

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PATRICK SAGET,) Case No.
et al.,) 18-cv-01599-WFK-ST
Plaintiffs)
vs.)
DONALD TRUMP, President)
of the United States)
et al.,)
Defendants)

Videotaped Deposition of Robert Law
Washington, D.C.
December 19, 2018
9:33 a.m.

Reported by: Bonnie L. Russo
Job No. 450079

Magna Legal Services
866-624-6221
www.MagnaLS.com

1 Videotaped Deposition of Robert Law held at:

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5 Mayer Brown, LLP

6 1999 K Street, N.W.

7 Washington, D.C.

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18 Pursuant to Notice, when were present on behalf

19 of the respective parties:

20

21

22

1 APPEARANCES:

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14 Also Present:

Kevin Snell, Department of Justice, Federal

15 Programs Branch

Liza Shah, United States Citizenship

16 Immigration Services, Department of Homeland

Security

17 David Voigtsberger, Videographer

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Exhibit 1 Section 1254a

Temporary Protected Status

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22 (Exhibits included with transcript.)

1 P R O C E E D I N G S

2

3 THE VIDEOGRAPHER: Good morning.

4 This is the video deposition of Robert Law in
5 the matter of Patrick Saget, et al., versus
6 Donald Trump, President of the United States,
7 in the United States District Court for the
8 Eastern District of Virginia.

9 Today is December 19, 2019, and the
10 time is 9:33.

11 MR. CHRISTIAN: I want to make one
12 correction. It is the Eastern District of New
13 York.

14 THE VIDEOGRAPHER: What did I say?

15 MR. CHRISTIAN: Virginia.

16 THE VIDEOGRAPHER: Sorry. Eastern
17 District of New York.

18 This deposition is being taken at
19 1999 K Street, Northwest, Washington, D.C., at
20 the request of Mayer Brown.

21 The videographer is Dave
22 Voigtsberger with Magna Legal Services and the

1 court reporter today is Bonnie Russo of Magna
2 Legal Services.

3 Will counsel please introduce
4 yourselves and who you represent.

5 MR. CHRISTIAN: Marcus Christian on
6 behalf of the plaintiff.

7 MS. MURPHY: Victoria Murphy on
8 behalf of the plaintiff.

9 MR. CHO: Good morning. James Cho
10 with the U.S. Attorney's Office on behalf of
11 the government.

12 MR. SNELL: Kevin Snell, Civil
13 Division of Federal Programs Branch on behalf
14 of the government.

15 MS. SHAH: Liza Shah, United States
16 Citizenship and Immigration Services on behalf
17 of the government.

18 THE VIDEOGRAPHER: Will the court
19 reporter please swear in the witness.

20

21

22

1 ROBERT LAW,
2 being first duly sworn, to tell the truth, the
3 whole truth and nothing but the truth,
4 testified as follows:

5 EXAMINATION BY COUNSEL FOR PLAINTIFF

6 BY MR. CHRISTIAN:

7 Q. Good morning, Mr. Law. I'm going to
8 spend a little time doing a little background
9 and general instructions before I get into the
10 general questions.

11 So you've already stated your name.
12 Have you stated your name?

13 Please state your name.

14 A. Robert Law.

15 Q. Okay. And have you ever been
16 deposed before?

17 A. No.

18 Q. Obviously, this deposition is being
19 transcribed and it's often helpful to be clear
20 and not say things like uh-huh and say yes and
21 no and be clear.

22 And also, what we'll try to do, the

1 lawyers will try to do and we'll all try to do
2 is try not to talk over each other because she
3 will have a difficult time recording if we
4 speak over one another.

5 And as you have just taken an oath,
6 this seems like a silly point but it's good to
7 remind people that you have taken an oath to
8 tell the truth and the whole truth, and that's
9 the same oath you would take if you were going
10 to testify in court.

11 Do you understand that?

12 A. I do.

13 Q. And if I ask a question that you
14 don't understand for some reason, please let me
15 know so I can rephrase it. Okay?

16 A. Okay.

17 Q. If you need to take a break, please
18 let your attorney know and we will finish a
19 line of questioning and if we are in the middle
20 of it, we will see what we can do about a
21 break. Is that clear?

22 A. Yes.

1 Q. If you want to talk to your attorney
2 at any point, that's not a problem. I will
3 just ask basically if there is a question
4 pending or you are in the middle of the answer,
5 either answer the question or finish speaking
6 before you speak with your attorney, unless you
7 need to talk with her about a matter of
8 privilege.

9 A. Okay.

10 Q. And sometimes it happens that you
11 will answer a question as completely as you can
12 and then later, you will remember some
13 additional information and perhaps some
14 clarification to an earlier question.

15 If that happens to you, please let
16 us know that you would like to add something to
17 something you answered to a question you
18 answered earlier, and we will try to -- we will
19 allow you an opportunity to do that. That way
20 you can have a complete answer.

21 Will you agree to do that?

22 A. Yes.

1 Q. In addition, sometimes people
2 remember that a question before wasn't -- an
3 answer wasn't completely accurate. If you come
4 -- comes to mind later on where you recall that
5 an answer wasn't completely accurate, will you
6 please let us know and make any necessary
7 corrections to your answer?

8 A. Yes.

9 Q. And if you're answering a question
10 and you think of some documents that might help
11 you remember your answer or might help you
12 provide a more accurate answer, if you tell us
13 and we can provide them, we will be happy to
14 provide them. Will you please let us know?

15 A. Yes.

16 Q. So another thing, it is important
17 for us to get full, complete and accurate
18 answers. So I'm going to ask you this and it's
19 not because I want to pry into your business,
20 but it's just a matter of course.

21 Are you taking any medication or
22 drugs or anything containing alcohol that might

1 make it difficult for you to understand or
2 answer my questions today?

3 A. No.

4 Q. Are you ill at all today?

5 A. No.

6 Q. All right. So have you ever been in
7 a lawsuit before?

8 A. Could you --

9 MR. CHO: Object to the form.

10 You can answer.

11 THE WITNESS: Can you clarify what
12 you mean by that?

13 BY MR. CHRISTIAN:

14 Q. Have you ever been a party in a
15 lawsuit before?

16 A. Yes, when I was in high school as a
17 lifeguard, there was an incident that occurred
18 at the pool, but then the case -- I was just
19 named because I worked there at the time.

20 Q. Okay.

21 A. Whatever the outcome of that was, I
22 have no idea.

1 Q. So you were a witness?

2 A. I was a witness when it happened,
3 but if there was a trial, I was never involved
4 in it.

5 Q. Have you been a witness in any other
6 legal proceedings?

7 A. I have not.

8 Q. Okay. So let's -- let's take a look
9 at your background, just overall, you have a
10 college degree, a bachelor's degree?

11 A. Yes.

12 Q. And a law degree?

13 A. Yes.

14 Q. So tell me about -- where did you go
15 to college?

16 A. I graduated from the University of
17 Virginia.

18 Q. What year was that?

19 A. 2007.

20 Q. Were you -- did you grow up in
21 Virginia?

22 A. I did.

1 Q. And what did you study?

2 A. History.

3 Q. And when you graduated from the
4 University of Virginia, what did you do next?

5 A. I went to law school.

6 Q. And where was that?

7 A. Catholic University.

8 Q. And what year did you graduate?

9 A. 2010.

10 Q. During the course of law school,
11 were you on any law review?

12 A. Yes, I was.

13 Q. Which one?

14 A. I was on the Catholic University Law
15 Review.

16 Q. All right. And did you have any
17 particular roles or positions on the law
18 review?

19 A. I was an editor.

20 Q. And any organizations you were a
21 member of during law school?

22 A. I was on the honor board for a year,

1 maybe two.

2 Q. Tell us about the honor board.

3 A. You know, actually, we were very
4 inactive, but if someone had been -- I guess
5 dealt with plagiarism or in a law review
6 article or concerns about the academic
7 integrity of an exam, they would be referred to
8 the board.

9 Q. Was that related to the University
10 of Virginia honor code, were you --

11 A. Well, this was at Catholic
12 University.

13 Q. I'm sorry, Catholic.

14 A. Because of the University of
15 Virginia honor code, that is why I volunteered
16 to be a part of the Catholic University honor
17 code.

18 Q. All right. And I didn't ask, but
19 were you involved in any organizations, school
20 organizations as an undergraduate?

21 A. I was in a fraternity.

22 Q. Which fraternity?

1 A. Sigma Phi.

2 Q. And so during the course of law
3 school, either during breaks or during the
4 sessions, were you -- did you have any jobs or
5 internships?

6 A. I did.

7 Q. Tell us about those.

8 A. First summer, I worked at the
9 general counsel's office at Catholic
10 University. Second summer, I worked at
11 Occidental Petroleum in their government
12 relations office, and I kept working part-time
13 during my third year.

14 Q. So let's talk about the first
15 summer. Was that a paying intern -- paying
16 job?

17 A. Yes, it was.

18 Q. And the second summer was a paying
19 job?

20 A. Yes, it was.

21 Q. And what were your duties and
22 responsibilities working in your second summer

1 job and during your third year?

2 A. At Occidental Petroleum?

3 Q. Yes.

4 A. I would attend congressional
5 hearings, take notes, things that had to do
6 with energy and everything that dealt with oil
7 and gas for Occidental Petroleum.

8 Q. And during the course of that job,
9 did you interact with congressional staffers?

10 A. Yes.

11 Q. And so when did you stop working for
12 Occidental Petroleum?

13 A. When I graduated law school about
14 May 2010.

15 Q. So what did you do after you
16 graduated from law school in May 2010?

17 A. I started studying for the bar exam,
18 took the bar exam, and then subsequently moved
19 to Ann Arbor, Michigan, because my wife was
20 going to graduate school at the University of
21 Michigan.

22 Q. And what did you do in Ann Arbor,

1 Michigan?

2 A. For the two years that I was there,
3 I did contract legal work.

4 Q. With a particular -- did you work
5 with a particular organization that arranged
6 for opportunities for you or were you
7 independent?

8 A. No, there were two -- at least two
9 different organizations that would staff
10 attorneys for short-term projects.

11 Q. Okay. What were they?

12 A. The companies?

13 Q. The organizations, yes.

14 A. Lumen Legal and Kelly Legal
15 Services, something along those lines.

16 Q. Now, did you -- did you work with
17 them simultaneously or were there particular
18 periods in which you worked with one or the
19 other?

20 A. It would be -- just be one at a
21 time.

22 Q. And so, let's say starting in --

1 working from May 2010, if you could just tell
2 us, like, if you worked for Kelly or the other
3 one, kind of what were the periods?

4 A. I don't know that I'm going to have
5 that type of specificity. Some projects were
6 months, some were weeks. I didn't start until
7 November after I found out I had passed the bar
8 exam.

9 Q. All right. So November of 2010, and
10 you were doing this contract work from November
11 of 2010 until when?

12 A. Until December -- until December
13 2012. However, I moved back to D.C. in the
14 summer of 2012.

15 Q. Okay. So you worked remotely from
16 the summer of 2012 to December 2012 on
17 projects?

18 A. No. I just did it in Washington,
19 D.C., instead of doing it in Michigan.

20 Q. For the same?

21 A. And there were other companies as
22 well.

1 Q. What types of -- during the course
2 of your time as a contract attorney, what types
3 of legal work did you do?

4 MR. CHO: Object to the form, and
5 certainly your work I assume is covered by the
6 attorney-client privilege, so you can speak in
7 broad terms but be careful about revealing any
8 attorney-client privilege communications.

9 You can answer.

10 THE WITNESS: It's -- there were --
11 it was mostly litigation, antitrust and Foreign
12 Corrupt Practice Act.

13 BY MR. CHRISTIAN:

14 Q. Did you do any work related to
15 immigration?

16 A. No.

17 Q. So between December of 2012 and
18 early 2013 -- well, let's -- what did you do
19 next after you finished up as a contract
20 attorney?

21 A. I started working at the Federation
22 for American Immigration Reform in January

1 2013.

2 Q. And when -- when did you begin
3 interviewing for that job?

4 A. Probably about October of 2012.

5 Q. And how did you -- how did you come
6 to apply for that job?

7 A. It was -- there was an opening and
8 someone that I knew from law school networking
9 recommended it to me.

10 Q. Was this a friend? Who was it that
11 had recommended it to you?

12 A. John Zadronzy.

13 Q. And what was the specific job that
14 you were applying for?

15 A. Government relations counsel.

16 Q. And what were the duties and
17 responsibilities of that?

18 A. As an attorney, to do policy work,
19 track legislation, assist congressional offices
20 with legislation, provide analysis and, you
21 know, track hearings.

22 Q. Were there other organizations or

1 companies that you applied for at the same time
2 when you were a candidate for -- is it known --
3 for the Federation for American Immigration
4 Reform, also known as FAIR?

5 A. That's correct, FAIR.

6 Q. When you were applying for FAIR,
7 were you applying at other places?

8 A. I had applied at one other place,
9 yes.

10 Q. What was the one other place?

11 A. CACI, C-A-C-I, it's a -- I think
12 it's, like, a defense contractor or some sort
13 of a government contractor.

14 Q. Okay. And I assume -- well, I
15 shouldn't assume.

16 So was it a situation where you
17 chose the job with FAIR over CACI or --

18 A. Yes. I had actually accepted the
19 CACI job and then subsequently was offered the
20 job at FAIR and I chose that job.

21 Q. I see. Okay. So tell me about
22 FAIR, exactly, your first job you mentioned.

1 What were your duties and
2 responsibilities for that job at FAIR?

3 A. I think I just answered that a
4 second ago, legislation, meeting with members
5 of Congress.

6 Q. Right. And so you were meeting with
7 members of Congress and that is what you were
8 doing, but you were talking about particular
9 types of content, policies, et cetera.

10 What was the content, subject matter
11 of what you were doing?

12 A. Immigration.

13 Q. Okay. Any particular policies you
14 were advocating for at that particular time?

15 A. Enforcing our immigration laws,
16 E-Verify. In 2013, there was the gang of eight
17 legislation that consumed a lot of my time.

18 Q. When you were doing -- when you
19 started off at that job, was there any CLE or
20 other educational opportunities that you took
21 advantage of to learn the subject matter?

22 A. Not through CLE, no.

1 Q. What types of educational
2 opportunities did you have to learn,
3 immigration law?

4 A. Reading the INA and legislation.

5 Q. Okay.

6 A. Materials that are available.

7 Q. Self-study?

8 A. Yes.

9 Q. No specific coursework?

10 A. No specific coursework. I mean,
11 obviously, my supervisors at FAIR taught me as
12 well.

13 Q. So you had mentors in the
14 organization?

15 MR. CHO: Object to the form.

16 Do you want him to answer that
17 question or was that a statement?

18 BY MR. CHRISTIAN:

19 Q. I mean, is it fair to say you had
20 mentors in the organization?

21 A. Yes, that's fair.

22 Q. Who helped teach you?

1 A. Yes.

2 Q. So I -- so your next position after
3 your original role, what was that? Did you
4 have -- come a time when you took on a
5 different role?

6 A. Yes, I was promoted to senior
7 government relations counsel.

8 Q. And what was the time period when
9 you held that position, senior?

10 A. I don't recall the specifics, but I
11 believe it was sometime in 2014 is when that
12 started.

13 Q. And was that the position you held
14 for the remainder of your time?

15 A. No, I was promoted again to the
16 director of government relations.

17 Q. And approximately when did that
18 happen, do you recall?

19 A. I think around 2015, maybe the end
20 of 2014.

21 Q. All right. And that was the final
22 position?

1 A. That was the final position.

2 Q. Okay. I would like to -- so this
3 will be -- so one thing I would like to do is
4 -- so what I'm going to do is, I have asked you
5 a few things about your resumé.

6 I'm going to hand this to the court
7 reporter to be marked as Exhibit 71. It's
8 basically -- I have copies for you. It's
9 basically your LinkedIn page.

10 (Deposition Exhibit 71 was marked
11 for identification.)

12 BY MR. CHRISTIAN:

13 Q. Does your LinkedIn page, which is
14 marked as Exhibit No. 71, accurately reflect
15 your career and educational history?

16 A. I don't have the contract work on my
17 LinkedIn page, but what is on there, to the
18 best of my recollection, reflects the time
19 periods of various roles that I held.

20 Q. All right. So now I would like to
21 turn to what will be marked as Exhibit No. 72.
22 It's an immigration reform agenda for the 115th

1 Congress.

2 (Deposition Exhibit 72 was marked
3 for identification.)

4 MR. CHO: Do you have a stapler
5 or -- it's a multi-page document, right, just
6 to kind of stay organized.

7 MR. CHRISTIAN: Absolutely. We will
8 get one.

9 BY MR. CHRISTIAN:

10 Q. I apologize for the delay, Mr. Law,
11 for office supply timeout here.

12 So, we have Exhibit No. 72 in front
13 of you. Would you tell me what that is?

14 First, do you recognize it?

15 A. Yes, I recognize this.

16 Q. So what I would like to do is --
17 what is this?

18 A. This is the congressional agenda
19 that FAIR put out for the 115th Congress, ideal
20 proposed legislation that congress should
21 consider.

22 Q. What if any role did you have in

1 producing this agenda?

2 A. As I recall, I probably had drafted
3 some of the content and then reviewed the
4 materials once other staff had compiled most of
5 the document. So I reviewed it before it was
6 sent out for publication.

7 Q. So you had an editorial role in the
8 production of this?

9 MR. CHO: Objection to form.

10 You can answer.

11 THE WITNESS: Yes.

12 BY MR. CHRISTIAN:

13 Q. And before this would be published,
14 did you have to approve its contents?

15 MR. CHO: Objection to form.

16 You can answer.

17 THE WITNESS: Yes.

18 BY MR. CHRISTIAN:

19 Q. And did you approve the content
20 before it was published?

21 A. Yes.

22 Q. So let's turn to Page 4. Let's see

1 here. I'm looking for -- I'm going to go down
2 the page a little bit and I believe it refers
3 to a number of things.

4 So if you look at the bullet points
5 at the top of Page 4, the fourth bullet point.

6 Would you please read that?

7 A. Out loud?

8 Q. Yes, out loud.

9 MR. CHO: Well, the document speaks
10 for itself. Maybe you can point him in the
11 right direction. I'm not sure which bullet
12 point you're referring to.

13 BY MR. CHRISTIAN:

14 Q. Sure. It's the fourth one. So what
15 I'll do, is I will make it easier. The fourth
16 bullet points reads as follows, and please
17 correct -- when I'm finished, please, if I
18 misstated somehow, please point it out to me
19 and I'll correct it.

20 "Restrict temporary
21 protected status, TPS, to aliens legally
22 present in the U.S. when an event that triggers

1 TPS designation occurs."

2 Did I read that
3 correctly, Mr. Law?

4 A. Yes.

5 Q. And so what was the basis for that
6 recommendation?

7 MR. CHO: Object to the form.

8 You can answer.

9 THE WITNESS: The basis for that
10 recommendation would appear to be that aliens
11 who are unlawfully present had no intention of
12 returning to their home country and thus, you
13 know, the underlying premise of TPS is, it was
14 understood from congressional intent, was
15 because individuals could not return to their
16 home country and that seemed to be, you know,
17 the population such as a student who couldn't
18 return, and the statute was put in place to
19 prevent those individuals, who through no fault
20 of their own, could not return to their home
21 country, so that's what the thinking I believe
22 was.

1 BY MR. CHRISTIAN:

2 Q. Okay. So based on your answer, I'm
3 gathering that you have done some -- based on
4 your training and experience, you have done
5 some reading of the legislative history of this
6 TPS statute?

7 A. Yes. At some time, yes.

8 Q. And if I am misstating it, please
9 correct it.

10 So one of the enumerated reasons for
11 passing the TPS statute was to, as you
12 understand it, to provide protections for a
13 student studying in the U.S.?

14 A. That was just an example that I
15 gave. The understanding is that it was to give
16 temporary status to individuals who were unable
17 to return to their country at the end of their
18 authorized stay due to a condition that
19 resulted in the designation.

20 MR. CHO: I didn't want to
21 interrupt, but object to the form and also
22 calls for legal a conclusion.

1 MR. CHRISTIAN: Well, I asked him if
2 it was enumerated, so it doesn't call for a
3 legal conclusion, it calls for his recollection
4 of what it said.

5 MR. CHO: Well, the record is what
6 it is.

7 MR. CHRISTIAN: Okay.

8 BY MR. CHRISTIAN:

9 Q. Also on Page 4, let's see here.

10 So it's the one, two, three, four,
11 five, and what I will do is, just to make sure
12 we are looking at the same thing.

13 It says, as I understand, it reads
14 as follows: "Reform the TPS asylum and refugee
15 programs to prohibit granting such status to
16 gang members."

17 Is that an accurate reading of that
18 bullet?

19 A. Yes, that is.

20 Q. Let's turn to Page No. 9, please.

21 Get my bearings here.

22 So we are looking at the last bullet

1 point on the page and I'll read it just -- so
2 under the heading: "Stop Illegal Immigration
3 Fraud," the bullet point reads as follows:
4 "Reform or eliminate immigration programs with
5 notably high rates of fraud and abuse (i.e.,
6 TPS and asylum, H-1B visas, EB-5, religious
7 work or visa programs, et cetera)."

8 Did I read that correctly, Mr. Law?

9 A. I believe the heading is: "Stop
10 Legal Immigration Fraud." I think you may have
11 said illegal immigration fraud.

12 Q. I'm sorry. Okay. So "Stop Legal
13 Immigration Fraud."

14 A. But the bullet was read correctly.

15 Q. Thank you for the correction.

16 And so, in your interview for your
17 current job, as far as you recall, do you
18 remember any conversation about your interest
19 in eliminating large areas of immigration
20 framework that existed in the law when you took
21 your job?

22 MR. CHO: Object to the form.

1 The job you are referring to, that
2 he holds right now?

3 MR. CHRISTIAN: His current -- his
4 current role, yes.

5 MR. CHO: Okay. Well, there is a
6 lot of missing foundation there, but you can
7 answer if you can.

8 THE WITNESS: I don't believe I was
9 calling for the elimination of large frames of
10 our immigration system, but I don't recall
11 those types of conversations in the interview
12 process.

13 BY MR. CHRISTIAN:

14 Q. All right. Let's see here.

15 On Page 3 to 4, and I'll just touch
16 on some areas of the agenda: "Prohibiting
17 Access to Immigration Benefits."

18 MR. CHO: I'm sorry. Where are you?

19 MR. CHRISTIAN: We are on
20 legislative agenda on Pages 3 to 4.

21 MR. CHO: Okay. Is there a specific
22 bullet point you're referring to?

1 MR. CHRISTIAN: Sure. I'll --

2 BY MR. CHRISTIAN:

3 Q. So we are looking at under:

4 "Implement a secure and efficient emission and
5 removal process," the second bullet would be --
6 and I will read it just to make clear which one
7 it is: "Prohibit DHS from granting immigration
8 benefits until all background checks of
9 applicants are completed to the satisfaction of
10 DHS."

11 So that's -- did I read that
12 correctly?

13 A. You read that correctly.

14 MR. CHO: Objection. The document
15 speaks for itself. Okay.

16 BY MR. CHRISTIAN:

17 Q. And the next one is: "Repeal the
18 visa waiver program."

19 MR. CHO: Same objection.

20 You can answer.

21 THE WITNESS: You read that
22 correctly.

1 BY MR. CHRISTIAN:

2 Q. Okay. Thank you. Now we're going
3 to go back to 8 to 9.

4 And under the -- there are three
5 bullets, the first three bullets on the page.

6 MR. CHO: I'm sorry, Page 8 or 9,
7 because 8 only has two bullet points.

8 MR. CHRISTIAN: I apologize.

9 BY MR. CHRISTIAN:

10 Q. Yes. Page 9, the page with more
11 than two bullet points under the third -- three
12 bullet points, top three bullet points, there
13 is a sentence: "FAIR believes that a
14 sustainable level of immigration is no more
15 than 300,000 annually."

16 Mr. Law, how was that number
17 determined, 300,000?

18 MR. CHO: Object to the form.

19 Answer if you know.

20 THE WITNESS: I don't recall the
21 specific methodology that went into that, but
22 it was my understanding that that was a

1 historical level of legal immigration.

2 MR. CHRISTIAN: All right. So I
3 would like to -- now we are going to introduce
4 -- this will be out of order, but No. 97.

5 (Deposition Exhibit 97 was marked
6 for identification.)

7 MR. CHO: The clip is fine, as long
8 as it's attached.

9 BY MR. CHRISTIAN:

10 Q. I want to look at the bottom of Page
11 15. When you get a chance, just let me know
12 when you are ready.

13 So the last bullet on Page 15, and
14 it goes on to Page 16, so what I am going to do
15 here is, just to put on the record what I am
16 talking about here. I will read this bullet.

17 "DHS must issue regulations making
18 illegal aliens ineligible for TPS. The
19 secretary of Homeland Security must revoke TPS
20 for any country that has received more than two
21 renewals. Future grants on TPS must occur only
22 in limited circumstances."

1 So let me take a step back. I
2 didn't ask you, Mr. Law, are you familiar with
3 this document?

4 A. I am familiar with it.

5 Q. And what was your role, if any, in
6 the production of this document?

7 A. I provided some of the content, but
8 as you can see, there were a number of authors
9 on it. I didn't have as large a role in this
10 as I did in the congressional agenda.

11 Q. Is it -- just to be clear, did you
12 -- were you a reviewer of the entire document
13 before it was published?

14 A. I believe I did review it, yes.

15 Q. And so -- sorry to jump back and
16 forth.

17 So the -- turning back to Page 15 to
18 16, I would like to ask a couple of questions
19 related to that.

20 So first of all, there is an idea
21 that a limit of two renewals, more than two
22 renewals. Where did that idea come from to

1 your knowledge?

2 MR. CHO: Object to the form.

3 You can answer.

4 THE WITNESS: I don't know. I
5 didn't draft that one.

6 BY MR. CHRISTIAN:

7 Q. And so, did you ever, during the
8 course of your employment with FAIR, hear about
9 any idea of the significance of only two
10 renewals?

11 MR. CHO: Objection to form.

12 THE WITNESS: No.

13 BY MR. CHRISTIAN:

14 Q. Based on your understanding of the
15 statute, how does the number -- is the number
16 of two renewals consistent with the current
17 statute?

18 MR. CHO: Object to the form. Calls
19 for a legal conclusion.

20 You can answer.

21 THE WITNESS: Do you have the
22 statute available?

1 BY MR. CHRISTIAN:

2 Q. Yes, I do, actually.

3 That would be, I believe it's, am I
4 correct, 77? Let me just make sure before we
5 mark it down.

6 Yes, it's 77. We will have to
7 staple this one.

8 (Deposition Exhibit 77 was marked
9 for identification.)

10 MR. CHO: Why don't we staple it to
11 stay organized here. There you go.

12 I just want to note that Exhibit 77
13 was pulled, it appears, from Cornell's website.
14 I'm assuming this is the statute as it is
15 today, but I haven't done a side-by-side
16 comparison with the official statute.

17 So, you know, Westlaw-type printout
18 or some other copy is always more reliable,
19 but...

20 MR. CHRISTIAN: Absolutely. I
21 appreciate you pointing that out. We will
22 request a Westlaw printout.

1 MR. CHO: Although I believe this
2 was a prior exhibit at a prior deposition as
3 well, KA-1 actually, if you want to use that
4 one instead.

5 MR. CHRISTIAN: Absolutely. We will
6 go with KA-1.

7 MR. CHO: I have my copy. Do you
8 want to use the official marked copy of KA-1?

9 Do you have the original exhibit?

10 THE REPORTER: No.

11 MR. CHRISTIAN: We will probably
12 need to -- you may have marked yours up. Make
13 sure we are all reading from the same sheet.

14 MR. CHO: You can make a copy of it.
15 I don't think I marked it up other than writing
16 KA-1 on it.

17 MR. CHRISTIAN: Okay. Thank you
18 very much.

19 MR. CHO: Sure.

20 THE WITNESS: Could you please
21 repeat the question.

22 BY MR. CHRISTIAN:

1 Q. Basically, to your -- based on your
2 understanding of the TPS statute, is there any
3 language in the current statute that makes any
4 reference to a limit on the number of renewals?

5 A. What I just read, I did not see a
6 specific limit.

7 MR. CHO: Just to be clear, the
8 document you reviewed was Exhibit 77?

9 MR. CHRISTIAN: Right.

10 BY MR. CHRISTIAN:

11 Q. And I would like to provide what is
12 -- so KA-1 for you to take a look at.
13 Obviously take as much time as you need because
14 counsel was good to point out that that was not
15 official text.

16 A. After reviewing what is KA-1, same
17 answer.

18 Q. And that was that you didn't see any
19 limitation of two years?

20 A. I did not see two renewals.

21 Q. Or any limitation of number of
22 renewals?

1 A. I did not.

2 MR. CHO: Objection to form. The
3 document speaks for itself. Calls for a legal
4 conclusion.

5 You can answer.

6 THE WITNESS: No, I did not.

7 BY MR. CHRISTIAN:

8 Q. Thank you.

9 So based upon your training as an
10 attorney, given the current statute as you just
11 reviewed, what would have to happen to impose a
12 limitation on the number of renewals?

13 MR. CHO: Objection to form. He is
14 not here as an expert. He is here as a fact
15 witness. Objection. Calls for a legal
16 conclusion.

17 You can answer if you can.

18 THE WITNESS: I'm not in the
19 capacity as an attorney. I went to law school
20 but I am a policy advisor.

21 BY MR. CHRISTIAN:

22 Q. So a policy advisor who wanted to

1 have a two renewal limitation that is not
2 listed in the statute, what types of -- what
3 changes would you need to effectuate that?

4 MR. CHO: Object to the form.
5 Mischaracterizes prior testimony. Misstates
6 facts in the record. He hasn't testified to
7 any position on this two-term renewal.

8 BY MR. CHRISTIAN:

9 Q. As a -- let me just take a couple
10 steps back to make sure that I am understanding
11 where I have the same facts to work from.

12 You reviewed this document that we
13 have entered as Exhibit No. 97, the immigration
14 priorities for the 2017 presidential
15 transition, correct?

16 A. Yes, I reviewed this.

17 Q. You reviewed the entire document,
18 and that document included a limitation, a
19 policy recommendation for two renewals, a
20 limitation of two renewals; is that correct?

21 MR. CHO: Objection to form. The
22 document speaks for itself.

1 You can answer.

2 THE WITNESS: The document says
3 that.

4 BY MR. CHRISTIAN:

5 Q. And so as policy director for FAIR,
6 what would have to happen for that limitation
7 to take effect given the TPS statute?

8 MR. CHO: Objection to form. Calls
9 for a legal conclusion. He is not currently at
10 FAIR.

11 MR. CHRISTIAN: He was at FAIR at
12 the time.

13 MR. CHO: Okay, right, but you asked
14 about his current position now.

15 MR. CHRISTIAN: Okay. Thank you for
16 pointing that out.

17 MR. CHO: I am just trying to place
18 this understanding --

19 MR. CHRISTIAN: Absolutely.

20 BY MR. CHRISTIAN:

21 Q. So when you were at FAIR when this
22 document went out, there was a new

1 administration coming in to the White House.

2 What would have to happen given the status of
3 the TPS Act to effectuate that policy?

4 MR. CHO: Object to the form. Calls
5 for a legal conclusion.

6 You can answer if you can.

7 THE WITNESS: Presumably legislative
8 change, but there could be other avenues. I
9 don't know.

10 BY MR. CHRISTIAN:

11 Q. During your time at FAIR, did you
12 have any interactions with anyone in the Senate
13 or House with respect to limiting the number of
14 renewals for the TPA Act -- TPS Act rather?

15 MR. CHO: Objection to form. Vague
16 and ambiguous.

17 You can answer if you can.

18 THE WITNESS: I don't recall that at
19 many meetings. I don't recall something that
20 specific.

21 BY MR. CHRISTIAN:

22 Q. And since you left FAIR, do you

1 recall any meetings with anyone in the House or
2 Senate requesting a limitation on the number of
3 renewals under the TPS Act?

4 MR. CHO: Object to the form. I am
5 also going to object on the grounds that may
6 touch on internal government deliberations, but
7 you can answer.

8 THE WITNESS: No.

9 MR. CHO: Give me that exhibit. Why
10 don't you put it aside since I think he is done
11 asking you questions about that exhibit and
12 I'll staple it. Thank you.

13 BY MR. CHRISTIAN:

14 Q. Now, I would like to direct your
15 attention to your work at FAIR and in
16 particular with staffers or other people
17 working on Capitol Hill, either staffers or
18 members of the House or Senate.

19 Tell us about any relationships that
20 come to mind that you established -- well, let
21 me take a step back.

22 While you were at FAIR, did you

1 establish any relationships with anyone at DHS?

2 MR. CHO: Object to the form.

3 You can answer.

4 THE WITNESS: In the -- in 2017,
5 yes.

6 BY MR. CHRISTIAN:

7 Q. Okay. With whom?

8 MR. CHO: Object to the form.

9 THE WITNESS: Should I answer?

10 BY MR. CHRISTIAN:

11 Q. Yes, please.

12 A. I mean there -- Gene Hamilton, John
13 Barsa.

14 Q. Would you spell the second name for
15 us, please.

16 A. I believe it's B-A-R-S-A.

17 Q. Okay. Anyone else?

18 A. I don't recall anybody else,
19 establishing a relationship, no.

20 Q. Anyone on the Trump Administration
21 Transition Team?

22 MR. CHO: Object to the form.

1 You can answer.

2 THE WITNESS: Establishing a
3 relationship? No.

4 BY MR. CHRISTIAN:

5 Q. Have interactions with anyone on the
6 Trump Administration Transition Team?

7 MR. CHO: Object to the form.

8 THE WITNESS: Yes.

9 BY MR. CHRISTIAN:

10 Q. With whom?

11 MR. CHO: Object to the form.

12 You can answer.

13 THE WITNESS: Julie Kirchner, John
14 Ferre, Danielle Cutrona, Gene Hamilton.

15 BY MR. CHRISTIAN:

16 Q. With respect to Mr. Hamilton, before
17 -- when you were at FAIR, how many times would
18 you say you met with him?

19 MR. CHO: Object to the form.

20 THE WITNESS: I don't know the
21 specific number of times that I met with him.

22 BY MR. CHRISTIAN:

1 Q. What did you discuss with him?

2 MR. CHO: Object to the form.

3 Perhaps you can put this in some
4 sort of context. During what time period are
5 you referring to and is it in Mr. Hamilton's
6 capacity as a government official or some other
7 capacity?

8 MR. CHRISTIAN: Yes, thank you.

9 BY MR. CHRISTIAN:

10 Q. So what else I hear.

11 When you were with FAIR during 2017,
12 did you discuss immigration reform with Mr.
13 Hamilton?

14 MR. CHO: Object to the form.

15 You can answer.

16 THE WITNESS: 2017, yes.

17 BY MR. CHRISTIAN:

18 Q. What topics -- what immigration
19 topics did you discuss with Mr. Hamilton?

20 MR. CHO: Again, this is during the
21 time period that Mr. Law was not working for
22 the government; is that correct?

1 MR. CHRISTIAN: Correct.

2 MR. CHO: Okay. You can answer.

3 THE WITNESS: The executive orders
4 that had been announced in January of 2017.
5 That's the topic I recall.

6 BY MR. CHRISTIAN:

7 Q. Did you have any conversations with
8 him about the TPS Act?

9 MR. CHO: Object to the form.

10 THE WITNESS: No.

11 BY MR. CHRISTIAN:

12 Q. Any -- any conversations about TPS
13 determinations?

14 MR. CHO: Object to the form.

15 THE WITNESS: No.

16 BY MR. CHRISTIAN:

17 Q. Before you joined the federal
18 government, did you have any interactions with
19 Steven Miller?

20 MR. CHO: Object to the form.

21 THE WITNESS: Yes.

22 BY MR. CHRISTIAN:

1 Q. Did you talk about immigration
2 policy?

3 MR. CHO: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. CHRISTIAN:

6 Q. What specific topic referring to --
7 what specific immigration topics did you talk
8 about with Mr. Miller?

9 MR. CHO: Object to the form.

10 Again, this is during the time
11 period before Mr. Law worked for the
12 government?

13 MR. CHRISTIAN: Before he -- yes.

14 MR. CHO: Okay. Same objection.

15 You can answer.

16 THE WITNESS: Just to clarify, my
17 conversations with Steven Miller were also
18 before he joined the federal government in the
19 executive branch, his role in Senator Sessions
20 office, just to provide scope for that time
21 frame.

22 BY MR. CHRISTIAN:

1 Q. So that would have been before 2017?

2 A. Before 2016.

3 Q. Before 2016. Okay. You had
4 conversations with him about limiting
5 immigration to the U.S.?

6 MR. CHO: Object to the form.

7 THE WITNESS: Yes.

8 BY MR. CHRISTIAN:

9 Q. About limiting renewals under the
10 TPS Act?

11 MR. CHO: Object to the form.

12 THE WITNESS: No.

13 BY MR. CHRISTIAN:

14 Q. Did you have discussions with Mr.
15 Miller about limiting immigration from certain
16 countries?

17 MR. CHO: Object to the form.

18 THE WITNESS: No.

19 BY MR. CHRISTIAN:

20 Q. Did you have any conversations with
21 Mr. Miller, to your recollection, about
22 limiting the number -- absolute number of

1 immigrants coming to the United States?

2 MR. CHO: Object to the form.

3 THE WITNESS: I do recall having
4 some sort of conversations like that, yeah.

5 BY MR. CHRISTIAN:

6 Q. And so just to be clear, you did
7 not, to your recollection, have any
8 conversations with Mr. Miller in 2017 before
9 you joined the government?

10 MR. CHO: Object to the form.

11 THE WITNESS: I did not have
12 conversations with Steven Miller in 2017 until
13 I joined the government.

14 MR. CHO: Just so the record is
15 clear because I think it is very unclear, he
16 just testified to conversations he had with
17 Steven Miller but I think he was referencing a
18 time period before 2016.

19 MR. CHRISTIAN: That's what he said,
20 yes. Yes.

21 MR. CHO: Okay. And that he did not
22 have conversations with Mr. Miller in 2017.

1 MR. CHRISTIAN: Yes.

2 THE WITNESS: Until I joined the
3 government.

4 BY MR. CHRISTIAN:

5 Q. And just to be clear, do you
6 remember what date you stated with the federal
7 government?

8 A. October 16, 2017.

9 Q. October 16. How did you come to
10 meet Kathy Kovarik and please correct me if I
11 am mispronouncing the name.

12 A. It's Nuebel Kovarik. She worked for
13 Senator Grassley. I met her in her capacity as
14 a congressional staffer when I was at FAIR.

15 Q. And did she have any role in your
16 current job with USCIS?

17 MR. CHO: Objection to form.

18 I don't -- I don't understand the
19 question you just asked.

20 BY MR. CHRISTIAN:

21 Q. During the process of your becoming
22 an employee for USCIS, did you at all interact

1 with Ms. Kovarik?

2 MR. CHO: Object to the form.

3 You can answer.

4 THE WITNESS: Yes.

5 BY MR. CHRISTIAN:

6 Q. What types of interaction?

7 A. It was a phone call.

8 Q. And what was the topic of the phone
9 call?

10 A. As I recall, my interest in joining
11 USCIS.

12 Q. And how did you come to have that
13 phone call with Ms. Kovarik?

14 A. I don't understand the question.

15 Q. What led to that conversation?

16 MR. CHO: Object to the form.

17 You can answer.

18 THE WITNESS: Well, I had applied
19 through the general resumé bank after the
20 election and had started the interviewing
21 process and received a phone call from her.

22 BY MR. CHRISTIAN:

1 Q. And during that conversation, did
2 you have any discussions about TPS?

3 MR. CHO: Object to the form.

4 THE WITNESS: No, I don't recall
5 that.

6 BY MR. CHRISTIAN:

7 Q. Did you have any conversations about
8 immigration in general?

9 MR. CHO: Object to the form.

10 THE WITNESS: Well, certainly, USCIS
11 is an immigration benefits agency, so it's
12 relevant to the job.

13 BY MR. CHRISTIAN:

14 Q. Absolutely. So any conversations
15 about limiting immigration to the United
16 States?

17 MR. CHO: Object to the form.

18 THE WITNESS: No, I don't recall
19 that.

20 BY MR. CHRISTIAN:

21 Q. Prior to your joining USCIS, did you
22 have any other conversations with anyone in

1 2017 -- let me stop. Let me take that back.

2 Other than the ones we have already
3 -- individuals we have already discussed, do
4 you recall any conversations with anyone in the
5 administration prior to you joining the
6 administration, about TPS?

7 MR. CHO: Objection to form.

8 THE WITNESS: No.

9 BY MR. CHRISTIAN:

10 Q. I'm going to ask you a couple of
11 questions here.

12 Do you have any recollection of when
13 FAIR was founded? Any understanding of when it
14 was founded?

15 A. My understanding, it was founded in
16 1979.

17 Q. Who founded it?

18 A. I don't know all the characters that
19 were involved with founding it.

20 Q. Do you know any of the individuals
21 who were involved?

22 A. It's my understanding that John

1 Tanton was one of the founders.

2 Q. John Tanton. Who is -- what do you
3 know about John Tanton?

4 MR. CHO: Object to the form.

5 THE WITNESS: I don't know anything
6 about John Tanton except what I have seen
7 written about him.

8 BY MR. CHRISTIAN:

9 Q. You said what you have seen written
10 about him.

11 Were you -- are you talking about in
12 media written about him?

13 MR. CHO: Object to the form.

14 THE WITNESS: Yes.

15 BY MR. CHRISTIAN:

16 Q. Did you, in the course of your
17 employment with FAIR, read any documents by Mr.
18 Tanton?

19 MR. CHO: Object to the form.

20 THE WITNESS: I don't believe so,
21 but I have no idea, if there were things that
22 he may have authored that were not attributed

1 to him. I don't recall reading something that
2 specifically identified him as the author.

3 BY MR. CHRISTIAN:

4 Q. So after your telephone conversation
5 or telephone interview with Ms. Kovarik, what
6 happened in terms of the employment process
7 with USCIS? How did it proceed, is basically
8 what I'm asking you.

9 A. I don't recall all the specifics,
10 but I submitted an updated resumé, possibly
11 some writing samples and as well as filled out
12 all the other government paperwork for
13 background checks.

14 Q. Based on your -- so you've been in
15 the job now for just over a year.

16 What experiences that you had prior
17 to joining USCIS have you found most helpful in
18 your current role?

19 MR. CHO: Object to the form.

20 You can answer.

21 THE WITNESS: The entire time I
22 worked at FAIR. Plus I'm just going to law

1 school. How to think critically. Entire life
2 of experiences.

3 BY MR. CHRISTIAN:

4 Q. Any substantive legal knowledge?
5 For example, TPS Act?

6 MR. CHO: Object to the form.

7 Can you rephrase the question. I
8 don't -- I don't know if that's a question or a
9 statement.

10 BY MR. CHRISTIAN:

11 Q. Okay. Here.

12 What substantive legal areas were
13 you exposed to during your time at FAIR that
14 you have relied upon during your time at USCIS?

15 MR. CHO: Object to the form.

16 You can answer if you can.

17 THE WITNESS: In neither capacity
18 was I in a role as an attorney. Both were
19 policy positions. Of course, there is the
20 Immigration and Nationality Act, the
21 overarching legal principles.

22 BY MR. CHRISTIAN:

1 Q. So -- so I want to make sure I
2 understand.

3 When you say "policy," your -- your
4 job at policy, did that involve working to
5 cause legislation to be enacted, federal
6 legislation?

7 MR. CHO: Object to the form.

8 THE WITNESS: At which -- in which
9 capacity?

10 BY MR. CHRISTIAN:

11 Q. At FAIR?

12 A. Enacted, I -- I don't recall a
13 single piece of legislation being enacted that
14 I worked on. Developed legislation amendments
15 to bills.

16 Q. So you advocated for certain
17 legislation?

18 MR. CHO: Object to the form.

19 THE WITNESS: Yes.

20 BY MR. CHRISTIAN:

21 Q. Would that -- did that advocacy
22 include amendments to existing legislation?

1 A. Yes.

2 Q. So as part of your duties and
3 responsibilities, would you study existing
4 legislation during your time at FAIR?

5 MR. CHO: Object to the form.

6 THE WITNESS: Do you mean bills that
7 were introduced by the members or the actual
8 statute?

9 BY MR. CHRISTIAN:

10 Q. Actual statutes.

11 MR. CHO: Object to the form.

12 THE WITNESS: Yeah. I believe so.

13 BY MR. CHRISTIAN:

14 Q. And what are some of those
15 immigration statutes that you may have studied
16 during your time at FAIR?

17 MR. CHO: Object to the form.

18 THE WITNESS: I couldn't pinpoint
19 all of them. But I mean E-Verify it was a
20 major, you know, issue. Anything. Visa waiver
21 program, guest workers programs, legal
22 immigration levels.

1 BY MR. CHRISTIAN:

2 Q. So I'm not -- and I -- and I know
3 it's, you know, sometimes hard to come off the
4 top of your head. I'm basically trying to
5 understand the actual substantive statutes that
6 you had experienced and -- and -- and reason
7 to -- to know something about it before you
8 joined USCIS.

9 So any -- if any -- there are any
10 statutes that -- that come to mind or by
11 citation, you know, please tell me now. Just
12 trying to get an understanding.

13 MR. CHO: Object to the form.

14 THE WITNESS: Just the general INA.

15 BY MR. CHRISTIAN:

16 Q. So INA. Okay.

17 Any particular provisions of the INA
18 that you gained specific expertise?

19 A. Kind of stand by what I've just said
20 about the various topic that were most
21 prevalent during the time period that I was
22 there.

1 Q. When you started at USCIS, was there
2 any on-boarding training that you received?

3 MR. CHO: Object to the form.

4 THE WITNESS: No.

5 BY MR. CHRISTIAN:

6 Q. You laughed when you said that; is
7 that --

8 A. I kind of felt like I got thrown
9 into the deep end right away.

10 Q. All right.

11 A. Got sworn in and got started.

12 Q. So did you receive any -- any
13 specific guidance documents that -- that would
14 provide information you could use in performing
15 your job?

16 MR. CHO: Object to the form.

17 THE WITNESS: I -- I'm sure I
18 received documents and a variety of things
19 about what my job responsibilities were.

20 BY MR. CHRISTIAN:

21 Q. What, if any, training did you
22 receive about what is required to make a TPS

1 determination when you began your job at USCIS?

2 MR. CHO: Object to the form.

3 THE WITNESS: What do you mean by
4 "training"?

5 Restate that or clarify.

6 BY MR. CHRISTIAN:

7 Q. Information about what is involved
8 in a TPS determination.

9 MR. CHO: Object to the form.

10 THE WITNESS: From what I recall,
11 meeting with Kathy and the -- the career staff
12 that are in charge of that portfolio; and that
13 there was a process of country conditions that
14 are put into a decision memo that includes a
15 recommendation from the director.

16 MR. CHRISTIAN: Pardon me one
17 moment.

18 MR. CHO: Sure.

19 We've been going about an hour.
20 Should we take a short break?

21 MR. CHRISTIAN: That's fine.

22 MR. CHO: All right.

1 THE VIDEOGRAPHER: Going off the
2 record at 10:39.

3 (A short recess was taken.)

4 THE VIDEOGRAPHER: Back on the
5 record at 10:48.

6 BY MR. CHRISTIAN:

7 Q. Mr. Law, I wanted to ask one quick
8 question related to the -- the -- the -- the
9 INA and -- and other immigration laws.

10 Prior to joining USCIS, do you
11 recall ever reading the TPS Act?

12 MR. CHO: Object to the form.

13 THE WITNESS: I'm -- I'm sure I did
14 at some point. I don't recall specifically
15 when. But I was at FAIR for five years. So I
16 read a good portion of the INA, if not all of
17 it, at some point.

18 BY MR. CHRISTIAN:

19 Q. And in the context of your -- of
20 your job at -- at FAIR, what would be the
21 purpose of reading the INA?

22 A. To provide recommendations to

1 members of congress for legislation or
2 amendments to the current law or other pending
3 legislation.

4 Q. And so is it fair to say your
5 recommendations would have included
6 recommendations for changes to the TPS Act?

7 MR. CHO: Object to the form.

8 THE WITNESS: It's possible.

9 BY MR. CHRISTIAN:

10 Q. Do you have any specific
11 recollection of any recommendations you -- you
12 made yourself for changes to the TPS Act?

13 MR. CHO: Object to the form.

14 Again, this is confined to the
15 period he worked at FAIR?

16 MR. CHRISTIAN: Yes.

17 THE WITNESS: No. I don't recall
18 any specific conversations about amending the
19 TPS statute during my time at FAIR.

20 BY MR. CHRISTIAN:

21 Q. To whom do you -- now that you're at
22 USCIS, to whom to you report?

1 A. My supervisor is Kathy Kovarik.

2 Q. And do you have any -- in your
3 current role, anyone who reports to you?

4 A. Not currently, no.

5 Q. Please describe your job
6 responsibilities -- your general job
7 responsibilities at USCIS.

8 A. I mean I believe there's an official
9 job description that could probably state it
10 better than I could right -- right now.

11 Q. Okay. So that being said, what do
12 you understand your job responsibilities to be?

13 A. I understand it to advice Kathy on
14 all policy and regulatory decisions that need
15 to be made on behalf of USCIS.

16 Q. And does that involve your looking
17 at existing statutes and making
18 interpretations?

19 MR. CHO: Object to the form.

20 THE WITNESS: Could you re -- I
21 don't understand the question.

22 BY MR. CHRISTIAN:

1 Q. What responsibilities do you have in
2 terms of interpreting statutes, federal
3 statutes?

4 MR. CHO: Object to the form.

5 THE WITNESS: I -- I don't know that
6 it's accurate to say that I'm interpreting
7 statutes in -- in what I am doing.

8 BY MR. CHRISTIAN:

9 Q. Would your job include providing
10 guidance to your supervisor on what the
11 statutes -- on statutory content?

12 MR. CHO: Object to the form.

13 THE WITNESS: It's possible, yeah.

14 BY MR. CHRISTIAN:

15 Q. Can you remember a time when your --
16 when, in the course of your current job, you
17 have provided guidance on the meaning of a
18 statute to your supervisor?

19 MR. CHO: Object to the form.

20 THE WITNESS: What to you mean by
21 the meaning of the statute?

22 BY MR. CHRISTIAN:

1 Q. The content of a -- the content of
2 statute. For example, earlier I asked you
3 about the TPS Act and whether it had a
4 limitation on the number of renewals. So a
5 question such as that.

6 Is there a limitation on the number
7 of renewals in the TPS Act?

8 MR. CHO: Object to the form. Also
9 object on the grounds that it touches on
10 internal government deliberations.

11 But the witnesses can answer if he
12 can.

13 THE WITNESS: As I stated before,
14 after reading the documents here today, there
15 did not appear to be a specific limitation on
16 the number of renewals.

17 BY MR. CHRISTIAN:

18 Q. Certainly.

19 So -- so what I'm asking you is have
20 you had -- has there come a time, during the
21 course of your employment at USCIS, where you
22 have had to look at a statute and, based upon

1 your understanding of that statute, provide
2 guidance to someone else at USCIS?

3 MR. CHO: Again, objection to the
4 form. Objection on the grounds that the
5 question seeks information touching upon
6 internal government deliberations.

7 The witness can answer.

8 THE WITNESS: To the extent of the
9 proposed regulations that USCIS is -- is
10 working on and, of course, the decision
11 recommendations on TPS to the extent it
12 involves the statute, yes.

13 BY MR. CHRISTIAN:

14 Q. Sorry. I'm sorry.

15 Just to be clear, did you just say
16 "yes"?

17 A. To the -- I don't really understand
18 the way you're talking about interpreting. But
19 looking at a -- looking at the statute is
20 occasionally a portion of what I do.

21 Q. And in looking at the statute, do
22 you provide guidance on what the statute means?

1 MR. CHO: Same objection. Objection
2 to form. Object to the extent the question
3 seeks information dealing with internal
4 governmental deliberations.

5 But the witness can answer.

6 THE WITNESS: I'm -- I believe that
7 there are probably times that I provide an
8 interpretation of -- or my -- my best guess as
9 to what the statute or the regulation means if
10 we're looking at it.

11 BY MR. CHRISTIAN:

12 Q. Have you ever had conversations
13 about TPS -- the TPS Act with Ms. Kovarik?

14 MR. CHO: Object to the form.

15 THE WITNESS: Could you be more
16 specific?

17 BY MR. CHRISTIAN:

18 Q. Since your -- since you started your
19 job at USCIS, have you talked with Ms. -- Ms.
20 Kovarik about any provision of the TPS Act?

21 MR. CHO: Object to the form. And
22 also object to the extent it seeks information

1 dealing with internal governmental
2 deliberations.

3 The witness can answer.

4 THE WITNESS: I had conversations
5 with her as it dealt with our responsibilities
6 of the decision memorandums for the various
7 countries who were coming up for reexamination.

8 BY MR. CHRISTIAN:

9 Q. Have you, during the course of
10 your -- your employment with USCIS, had
11 conversations with Francis Cissna about renewal
12 decisions?

13 MR. CHO: Object to the form.

14 THE WITNESS: I believe I have, yes.

15 BY MR. CHRISTIAN:

16 Q. During your employment, how about
17 with Secretary Nielsen?

18 MR. CHO: Object to the form.

19 BY MR. CHRISTIAN:

20 Q. Any conversations about renewals
21 under the TPS Act?

22 MR. CHO: Object to the form.

1 THE WITNESS: I have not had a
2 conversation with Secretary Nielsen.

3 BY MR. CHRISTIAN:

4 Q. How about her predecessor; any
5 conversations with her predecessor?

6 MR. CHO: Which one are you
7 referring to?

8 MR. CHRISTIAN: Duke.

9 MR. CHO: Object to the form.

10 THE WITNESS: I have not had any
11 conversations with Acting Secretary Elaine
12 Duke.

13 BY MR. CHRISTIAN:

14 Q. When you started your job at USCIS,
15 was the Haiti TP -- TPS review already
16 underway?

17 MR. CHO: Object to the form.

18 THE WITNESS: I -- I don't know.
19 It's possible.

20 BY MR. CHRISTIAN:

21 Q. Now, a moment ago I asked about
22 people -- specific individuals with whom you

1 met regarding TPS renewals decisions.

2 With -- with -- what -- what other
3 people did you meet with about TPS renewal
4 decisions?

5 MR. CHO: Object to the form.
6 Mischaracterizes prior testimony.

7 You can answer.

8 THE WITNESS: Our -- the career
9 staff within the office of policy and strategy:
10 Brandon Prelogar and Kathryn Anderson.

11 BY MR. CHRISTIAN:

12 Q. What is your understanding of Ms.
13 Anderson's job responsibilities at USCIS?

14 A. Well, I'd like to point out that
15 she's changed --

16 Q. Okay.

17 A. -- jobs recently. So -- and I -- I
18 don't know what those responsibilities are.

19 BY MR. CHRISTIAN:

20 Q. Thank you.

21 So with respect to TPS -- so before
22 she changed job responsibilities, what was her

1 understanding about her job responsibilities at
2 USCIS?

3 MR. CHO: Object to the form.

4 You can answer.

5 THE WITNESS: To the best of my
6 understanding, she was Brandon Prelogar's
7 deputy or number 2, whatever the appropriate
8 title is, and was the originator of the -- the
9 first draft of the decision memos and would
10 provide advice and -- and input.

11 BY MR. CHRISTIAN:

12 Q. And what is your understanding of
13 Mr. Prelogar's duties and responsibilities with
14 respect to TPS?

15 MR. CHO: Object to the form.

16 THE WITNESS: As I best understood
17 it, he was the -- the head of the division
18 within the office of policy and strategy that
19 handles temporary protected status.

20 BY MR. CHRISTIAN:

21 Q. And what did you understand your
22 role to be in that process when you started at

1 USCIS, "that process" being TPS renewal
2 decisions?

3 MR. CHO: Object to the form.

4 THE WITNESS: As best I understood,
5 it was that Brandon, Kathryn originated the
6 original draft; and then I would review it
7 before Kathy reviewed it.

8 BY MR. CHRISTIAN:

9 Q. And what about your understandings
10 of USCIS's role with respect to TPS renewal
11 determinations?

12 A. As I understand it, the director
13 makes a recommendation to the secretary. The
14 ultimate decision is the secretary.

15 Q. And what is your understanding of
16 the factors that the government should consider
17 when deciding whether to extend or terminate
18 TPS for a particular country?

19 MR. CHO: Object to the form. Also
20 object on the grounds that it seeks information
21 relating to internal governmental
22 deliberations.

1 But the witness can answer.

2 THE WITNESS: To the best of my
3 understanding, it's what the statute lays out
4 for the conditions of whether a -- a
5 designation should be extended or terminated.

6 BY MR. CHRISTIAN:

7 Q. And what are those conditions, as
8 you understand them?

9 MR. CHO: Object to the form. Also
10 object on the grounds that it seeks a legal
11 conclusion.

12 But the witness can answer if he
13 can.

14 THE WITNESS: Yeah. I'd like to
15 just -- if I can resort back to what the
16 actually INA says, that's what is my
17 understanding.

18 MR. CHRISTIAN: If you'd like to do
19 that, I believe we have -- 1A, is that?

20 MR. CHO: KA-1.

21 MR. CHRISTIAN: KA-1? Thank you.

22 MR. CHO: Do you need him to

1 rephrase the question or repeat the question?

2 THE WITNESS: Under Periodic Review,
3 I -- I mean I think you're asking -- could you
4 just please repeat the question.

5 BY MR. CHRISTIAN:

6 Q. Yes.

7 In -- in -- in determining whether
8 to extend or terminate TPS status for a given
9 country, what factors should be considered
10 under the TPS Act?

11 MR. CHO: Object to the form. Calls
12 for legal conclusion.

13 BY MR. CHRISTIAN:

14 Q. What -- what factors are listed in
15 the TPS Act?

16 MR. CHO: Object to the form. Also
17 KA-1, which is the statute, speaks for itself.

18 But the witness can answer.

19 THE WITNESS: It appears that, under
20 Periodic Review: "After consultation with
21 appropriate agencies, the secretary shall
22 review the conditions and the foreign state or

1 part of such foreign state for which a
2 designation is in effect under the subsection
3 and shall determine whether the conditions for
4 such designation under the subsection continue
5 to be met."

6 And then the next part: If the
7 secretary determines under" subset --
8 "subparagraph A that a foreign state or a part
9 of such foreign state no longer continues to
10 meet the conditions for designation under
11 Paragraph 1, the secretary shall terminate the
12 designation by publishing notice in the Federal
13 Register of the determination," dot, dot, dot,
14 dot.

15 BY MR. CHRISTIAN:

16 Q. Now, you've been in the job for over
17 a year now at USCIS; is that correct?

18 A. Yes. That's correct.

19 Q. And during the course of your time
20 at USCIS, you've been taking a -- you've been
21 involved in TPS in determinations of whether to
22 extent or -- or withdraw -- or terminate TPS

1 status; is that correct?

2 MR. CHO: Object to the form.

3 THE WITNESS: Yes.

4 BY MR. CHRISTIAN:

5 Q. Okay. So I just want to get an
6 understanding of what you -- based on your
7 experience now and your expertise in doing
8 immigration work, understand the conditions
9 that should be considered when making that
10 determination.

11 MR. CHO: Object to the form.

12 Again, Mr. Law is here a fact witness, not as
13 an expert witness. Also calls for legal
14 conclusion.

15 The witness can answer.

16 THE WITNESS: It's my understanding
17 that there's no limitation in what factors can
18 be considered.

19 BY MR. CHRISTIAN:

20 Q. Okay. So please provide me some
21 examples of the factors to be considered.

22 MR. CHO: Object to the form. Same

1 objection. Calls for legal conclusion. And to
2 the extent it touches on internal
3 governmental deliberations, that information is
4 privileged.

5 But the witness can answer.

6 THE WITNESS: To the best of my
7 recollection, the economy, property had been
8 destroyed, rebuilding efforts, health issues.
9 Depends on which prong a country was -- was
10 designated. Each -- each one is a separate
11 analysis.

12 BY MR. CHRISTIAN:

13 Q. When you began at USCIS, did you
14 have any understanding of what Acting Secretary
15 Duke -- whether Acting Secretary -- Secretary
16 Duke had intent with respect to TPS in terms of
17 terminating any countries?

18 MR. CHO: Object to the form. Calls
19 for speculation.

20 THE WITNESS: I --

21 MR. CHO: Also to the extent it the
22 seeks information relating to internal

1 governmental deliberations.

2 But the witness can answer.

3 THE WITNESS: I didn't know anything
4 about Acting Secretary Duke when I started my
5 job at USCIS.

6 BY MR. CHRISTIAN:

7 Q. When Secretary Nielsen took over as
8 head of the agency, what, if anything, did you
9 understand about Secretary Nielsen's intent
10 with regard to TPS status in any countries?

11 MR. CHO: Same objection. Object on
12 the grounds that it calls for a legal
13 conclusion, seeks information dealing with
14 internal governmental deliberations. It's also
15 outside the scope of this lawsuit as well. My
16 understanding is this is focused on the
17 determination by Acting Secretary Duke at that
18 time.

19 The witness can answer if he can.

20 THE WITNESS: I didn't know anything
21 about Secretary Nielsen.

22 BY MR. CHRISTIAN:

1 Q. Who was your predecessor in your
2 current job?

3 MR. CHO: Object to the form.

4 THE WITNESS: I don't know that I
5 necessarily had a -- a predecessor to my
6 current job. There -- there was another senior
7 advisor. But I don't think it's accurate to
8 say that he was my predecessor. There may have
9 been someone from the previous administration,
10 but they were no longer there.

11 MR. CHRISTIAN: So I'd like to -- I
12 believe this is going to be Exhibit No. -- No.
13 76.

14 (Deposition Exhibit 76 was marked
15 for identification.)

16 MR. CHO: I'm going to object to
17 Exhibit 76 on the grounds that it contains
18 internal governmental deliberations.
19 Furthermore, deals with country other than
20 Haiti, which is the subject of this case.

21 Given those caveats, the witness can
22 answer questions about this exhibit.

1 BY MR. CHRISTIAN:

2 Q. Okay. So, Mr. Law, based on your
3 understanding -- or based on your experience,
4 what is the relevance of data on the
5 percentages of TPS beneficiaries who were in
6 the country legally before a TPS designation
7 was made?

8 MR. CHO: Object to the form. Same
9 objection raised earlier regarding internal
10 governmental deliberations.

11 But the witness can answer.

12 THE WITNESS: To the best of my
13 understanding, the various decision memos
14 discussed the estimated covered population.
15 And from within that, given that this was dated
16 January 9th, 2018, Secretary Nielsen was now in
17 her position. She sought a more granular level
18 as to what previous immigration status
19 individuals had, H-2B, whatever.

20 Just a -- seeking more granularity
21 from the data that was already being provided.

22 BY MR. CHRISTIAN:

1 Q. And just for the record, this, which
2 is Exhibit 76, is not -- is not related to
3 Haiti; is that correct?

4 A. I don't know the -- the scope that
5 the director was seeking in this e-mail.
6 Specifically mentions El Salvador. But there
7 is a parentheses that says "or any other
8 country."

9 However, the Haiti decision had
10 already been rendered by the time this e-mail
11 was sent.

12 Q. And how are you familiar with this
13 e-mail?

14 MR. CHO: Object to the form.

15 THE WITNESS: I'm a recipient of
16 this e-mail.

17 BY MR. CHRISTIAN:

18 Q. And so, just for clarity, based on
19 your under -- based on your familiarity with
20 this and your understanding, who asked for this
21 information?

22 MR. CHO: Object to the form. Also

1 object on the grounds that it seeks information
2 dealing with internal governmental
3 deliberations.

4 Based on what's contained in this
5 e-mail, the witness can answer.

6 THE WITNESS: I don't know where the
7 original request came from. The e-mail is from
8 Director Cissna. So he could be the
9 originator. Could have been someone else. I
10 -- I don't know. But the e-mail is from
11 Director Cissna.

12 BY MR. CHRISTIAN:

13 Q. Any recollect -- any understanding,
14 based on your rec -- familiarity with this, on
15 the purpose of this request?

16 MR. CHO: Object to the form. Also
17 object on the grounds that it seeks information
18 dealing with internal governmental
19 deliberations.

20 The witness can answer based on your
21 own personal knowledge.

22 THE WITNESS: As I previously

1 stated, there was an interest in having more
2 granular information about the -- the various
3 populations. And that in -- the, you know,
4 estimated numbers covered for each country was
5 already information that was provided.

6 And it was just -- to my
7 understanding, it was just digging deeper in --
8 into that.

9 BY MR. CHRISTIAN:

10 Q. And based -- and following this
11 request, do you recall whether you received
12 information based on this request?

13 MR. CHO: Object to the form.

14 THE WITNESS: At this point I don't
15 recall if there was a -- a follow-up or -- or
16 not.

17 BY MR. CHRISTIAN:

18 Q. So I'd like to take a quick look at
19 KA-1.

20 Based on your experience in TPS
21 designations -- and you may make reference to
22 Exhibit KA-1 as you need to -- is your

1 understanding that ongoing armed conflict is a
2 relevant factor in making a determination on
3 the TPS?

4 MR. CHO: Object to the form.

5 BY MR. CHRISTIAN:

6 Q. A TPS designation, rather?

7 MR. CHO: Again, object to the form.

8 Also calls for legal conclusion.

9 But the witness can answer.

10 THE WITNESS: Can I seek some
11 clarity.

12 When you say "ongoing armed
13 conflict," that's a particular prong of which a
14 country can be designated.

15 Are you referring to a country that
16 is designated for ongoing armed conflict?

17 BY MR. CHRISTIAN:

18 Q. Is it a factor that can be used as a
19 determinate to designate a country?

20 MR. CHO: Object to the form. Calls
21 for legal conclusion.

22 The witness can answer.

1 THE WITNESS: Ongoing armed conflict
2 is a basis for a designation for TPS.

3 BY MR. CHRISTIAN:

4 Q. Is it a -- is it a factor for basic
5 continue -- of redesignate -- a renewing a
6 designation -- renewing TPS status?

7 MR. CHO: Same objection. Calls for
8 legal conclusion.

9 The witness can answer.

10 THE WITNESS: Under Periodic Review,
11 it -- you know, it appears that the -- the
12 review of the conditions in the foreign state
13 for which the designation in effect under the
14 subsection and determine if they continue to be
15 met. So...

16 BY MR. CHRISTIAN:

17 Q. And so what I'm going to do here is
18 I'm going to ask you about a few other
19 conditions.

20 Would -- would earthquake be a
21 condition that would be considered in a TPS Act
22 with respect to a designation or renewal?

1 MR. CHO: Object to the form. Calls
2 for legal conclusion.

3 The witness can answer.

4 THE WITNESS: Earthquake is
5 specifically provided as an example for an
6 environmental diaster. That would be a basis
7 of a TPS designation.

8 BY MR. CHRISTIAN:

9 Q. Is a flood enumerated as a basis for
10 TPS designation?

11 MR. CHO: Same objection. The
12 document speaks for itself.

13 THE WITNESS: A flood is -- is
14 listed as a basis for environmental diaster
15 designation.

16 BY MR. CHRISTIAN:

17 Q. And is drought listed as a factor?

18 MR. CHO: Same objection.

19 BY MR. CHRISTIAN:

20 Q. Condition?

21 MR. CHO: The document speaks for
22 itself.

1 The witness can answer.

2 THE WITNESS: It is.

3 And I'd like to, in addition to
4 drought, go back to -- for earthquake and flood
5 and note that the statute does require, in
6 addition to that environmental diaster, that
7 the foreign state officially has designated --
8 has requested designation.

9 BY MR. CHRISTIAN:

10 Q. Okay. Thank you for that.

11 How about is epidemic listed as a
12 condition?

13 MR. CHO: Same objection. The
14 document speaks for itself.

15 The witness can answer.

16 THE WITNESS: Under the second prong
17 of designation, epidemic is listed as a
18 potential environmental disaster with the
19 requirement that the foreign state officially
20 has requested designation.

21 BY MR. CHRISTIAN:

22 Q. And are there other environmental

1 disasters that I haven't mentioned that are
2 listed as potential conditions?

3 MR. CHO: Again, the document speaks
4 for itself.

5 But the witness can answer.

6 THE WITNESS: There is a catchall,
7 other environmental disaster, and again, for
8 all of these that we just referenced,
9 earthquake, flood, drought, epidemic, and other
10 environmental disaster that has resulted in a
11 substantial but temporary disruption of living
12 conditions in the area affected, not just the
13 earthquake itself, but there is that
14 requirement, resulting in a substantial but
15 temporary disruption of living conditions in
16 the affected area.

17 The foreign state is unable
18 temporarily to handle adequately the return of
19 aliens who are nationals of that state, and as
20 we were just previously discussing, and the
21 foreign state has officially requested such
22 designation.

1 Q. Thank you. Okay. So I would like
2 to direct you to Exhibit No. 98, I believe it
3 is going to be.

4 (Deposition Exhibit 98 was marked
5 for identification.)

6 MR. CHO: I'm going to object to
7 Exhibit No. 98 on the ground that these e-mails
8 contain internal governmental deliberation, but
9 given that caveat, the witness can answer
10 questions about this exhibit.

11 BY MR. CHRISTIAN:

12 Q. So Exhibit 98, Mr. Law, have you had
13 a chance to look at it?

14 A. I am currently reviewing it.

15 MR. CHO: I'm also going to object
16 on the grounds that this e-mail is also dated
17 January 9, 2018, which is after the decision at
18 issue in this litigation.

19 THE WITNESS: I reviewed it.

20 BY MR. CHRISTIAN:

21 Q. Do you recognize this document, the
22 e-mail and the document attached to it or

1 following it?

2 A. It appears to be. I don't
3 specifically remember this as of this date, but
4 it does appear to be an e-mail that I sent,
5 yes.

6 Q. Did you prepare this chart?

7 A. I do not believe I did. I believe
8 Brandon and Kathryn did.

9 Q. And do you recall whether you
10 requested this chart be prepared?

11 MR. CHO: Objection to form. Also
12 object on the grounds that it seeks testimony
13 relating to internal governmental
14 deliberations.

15 Within the confines of this e-mail,
16 the witness can testify to what is contained in
17 here.

18 THE WITNESS: I don't believe I
19 originated the request. I may have relayed the
20 request to Brandon and Kathryn, I don't
21 remember, but I do not believe I am the one
22 that requested the creation of this chart.

1 BY MR. CHRISTIAN:

2 Q. Based on your expertise within
3 immigration law and your experience rather,
4 what would be the significance of TPS longest,
5 shortest and average duration?

6 MR. CHO: Again, I object on the
7 grounds that this witness is a fact witness,
8 not an expert witness and calls for a legal
9 conclusion, as well as internal governmental
10 deliberations and speculative and vague.

11 The witness can answer.

12 THE WITNESS: To the best of my
13 recollection, to provide some context to this,
14 around this time, the Senate was considering
15 immigration legislation that was being
16 negotiated along with the White House and they
17 had four pillars as to what legislation should
18 be, and from what I recall, a legalization of
19 TPS was a possibility -- a possibility in that
20 legislation, and it would appear that this
21 would be factual information to provide
22 understanding to members of the Senate as to

1 the scope of TPS.

2 BY MR. CHRISTIAN:

3 Q. I want to make sure I understood.

4 Did you say a legalization of TPS?

5 A. As I recall, a legalization of TPS
6 was part of a larger package that was being
7 negotiated in the Senate in the
8 January-February time frame of 2018.

9 Q. And do you recall, who is Allen that
10 you mention here?

11 A. Allen is, I believe he is a career
12 staffer who works with the legislative affairs
13 office.

14 Q. What is Allen's last name?

15 A. I don't recall off the top of my
16 head.

17 Q. So I would like to now direct your
18 attention to an exhibit that is going to be
19 marked as Exhibit No. 78.

20 (Deposition Exhibit 78 was marked
21 for identification.)

22 MR. CHO: The government objects to

1 Exhibit 78 on the grounds that this e-mail
2 exchange contains internal governmental
3 deliberations, but will allow the witness to
4 answer questions regarding the e-mail
5 exchanges.

6 BY MR. CHRISTIAN:

7 Q. So, Mr. Law, please let me know when
8 you have had a chance to familiarize yourself
9 with this Document No. 78, Exhibit 78.

10 A. I reviewed.

11 Q. Okay. So do you recognize the
12 document that is marked as Exhibit 78?

13 A. I do.

14 Q. What is it?

15 A. It's a series of e-mails.

16 Q. Are you included in this series of
17 e-mails?

18 A. Not the initial e-mail but
19 subsequently, yes.

20 Q. So the e-mail makes reference to a
21 memo.

22 What type of memo is the e-mail

1 making reference to?

2 A. The initial e-mail is making a
3 reference to the draft decision --
4 recommendation decision memo for Haiti's TPS.

5 Q. And what is the date on that e-mail?

6 A. On which e-mail?

7 Q. The one that makes -- that
8 communicates about the -- let's just say the
9 first one in the chain. Let's start at the
10 beginning.

11 A. The first one on the chain is dated
12 Thursday, October 12, 2017.

13 Q. And it's from?

14 A. It's from Brandon Prelogar.

15 Q. To whom is it written?

16 A. It's written to Kathy Nuebel Kovarik
17 and also copied Kathryn Anderson and Laurence
18 Levine, Larry Levine.

19 Q. Okay. So the next -- so this e-mail
20 on October 22?

21 MR. CHO: No, it is October 12, the
22 one that he just referenced.

1 MR. CHRISTIAN: Right, right. So I
2 am saying the next --

3 BY MR. CHRISTIAN:

4 Q. Based on this document, what is the
5 next event that happens with this e-mail, in
6 this e-mail chain?

7 A. In this e-mail chain, it's e-mail on
8 October 22, 2017, from Kathy to me.

9 Q. And basically, what is the intent of
10 sending the e-mail to you?

11 MR. CHO: Object to the form. Calls
12 for speculation. This is an e-mail that he
13 didn't draft.

14 BY MR. CHRISTIAN:

15 Q. What did you interpret the -- when
16 you read this e-mail, what did you understand
17 you were supposed to do?

18 MR. CHO: Are you referring to the
19 4:23 e-mail?

20 MR. CHRISTIAN: Yes, Sunday, October
21 22, 2017, at 4:23 p.m.

22 MR. CHO: Objection to form.

1 You can answer if you can.

2 THE WITNESS: As best I can recall,
3 to review the memo and, you know, provide edit.

4 BY MR. CHRISTIAN:

5 Q. And what was the memo -- the memo,
6 do you know who originally drafted the memo?

7 MR. CHO: Object to the form. Asked
8 and answered.

9 THE WITNESS: (No response.)

10 BY MR. CHRISTIAN:

11 Q. So after you received this e-mail,
12 what did you do?

13 MR. CHO: Just for clarity's sake,
14 are you referring to the 4:23 e-mail from Kathy
15 Kovarik?

16 BY MR. CHRISTIAN:

17 Q. Okay. After you received the e-mail
18 on Sunday, October 22, 2017, at 4:23 p.m., what
19 did you do?

20 MR. CHO: Object to the form.

21 You can answer.

22 THE WITNESS: As it relates to this

1 e-mail chain, I at some point reviewed the
2 memo.

3 BY MR. CHRISTIAN:

4 Q. And after reviewing the memo, did
5 you write an e-mail to Ms. Kathy Kovarik at
6 6:28 p.m. on the same day?

7 MR. CHO: Object to the form.

8 THE WITNESS: It appears that I sent
9 an e-mail at that time, yes.

10 BY MR. CHRISTIAN:

11 Q. And what did you say it communicated
12 in that e-mail?

13 MR. CHO: Object to the form. The
14 document speaks for itself.

15 THE WITNESS: I inarticulately tried
16 to convey to her that the memo needed work and
17 it was incomplete.

18 BY MR. CHRISTIAN:

19 Q. So what specifically did you
20 communicate to her?

21 MR. CHO: Object to the form. The
22 document speaks for itself.

1 If you want him to read the e-mail
2 into the record, I would prefer you would read
3 it unless -- I mean, the document does speak
4 for itself. I mean, the text is as it is, so
5 if you want it read into the record, I would
6 suggest you read it into the record.

7 BY MR. CHRISTIAN:

8 Q. Okay. So what I will do is, I will
9 read it into the record and as we did earlier,
10 if I somehow make a mistake, if you will please
11 correct me. And then when I am done, I will
12 ask you if I accurately read it into the
13 record.

14 So this is -- says from Robert Law
15 on Sunday, October 22, 2017, at 6:28 p.m. to
16 Kathy Kovarik, and the subject is: "Re: Haiti
17 draft TPS memo. The draft is overwhelming
18 weighted for extension, which I do not think is
19 the conclusion we are looking for. The memo
20 seems to dismiss or downplay the positive
21 developments that should suggest
22 reauthorization is inappropriate. The memo

1 also makes no mention of the substantial amount
2 of foreign aid the U.S." and charities "and
3 charity have invested in Haiti since the
4 earthquake -- another relevant factor to
5 indicate that Haiti no longer meets the
6 definition of TPS."

7 "I can track change edits tonight or
8 we can discuss in the morning." Whatever you
9 preferred time -- "whatever your preferred
10 timing is."

11 Did I read that correctly, Mr. Law?

12 A. You read that correctly, yes.

13 Q. So I would like to ask a few
14 questions about that.

15 You made reference to "the
16 conclusion we are looking for."

17 What was the conclusion you were
18 looking for?

19 MR. CHO: Object to the form.
20 Object on the grounds that it seeks testimony
21 relating to internal governmental
22 deliberations, but within the confines of this

1 e-mail, the witness can answer.

2 THE WITNESS: What I was trying to
3 convey in that e-mail inarticulately was a
4 recommendation. The original draft as Brandon
5 notes in the initial e-mail on Thursday,
6 October 12, states that the recommendation was
7 left blank. And so what I was trying to convey
8 was that there was no recommendation included.

9 BY MR. CHRISTIAN:

10 Q. So the -- if I go back earlier in
11 that sentence, it says: "A draft is
12 overwhelming weighted for extension."

13 And so, and specifically after that,
14 it says: "Which is I do not think is the
15 conclusion we are looking for."

16 So you are saying now that the
17 conclusion you were looking for was a neutral
18 conclusion or that the draft is overwhelming
19 weighted for extension?

20 MR. CHO: Object to the form. Also
21 object on the grounds that it seeks information
22 relating to internal governmental

1 deliberations. Mischaracterizes prior
2 testimony.

3 The witness can answer.

4 THE WITNESS: If we go back to the
5 October 12 e-mail, Brandon says: "In short,
6 based on our review of country conditions, we
7 have written it so it could support either
8 extension or termination, but left the
9 recommendation blank," and then it trails on.

10 If I may go back now to KA-1.

11 BY MR. CHRISTIAN:

12 Q. Uh-huh.

13 A. Which is the TPS statute. "Under
14 termination of designation, if the secretary
15 determines under Subparagraph A that a foreign
16 state (or part of such foreign state) no longer
17 continues to meet the conditions for
18 designation under Paragraph 1, the secretary
19 shall terminate the designation."

20 So what I was trying to convey is,
21 according to Brandon, that if it could support
22 a termination, then the statute compels that to

1 be the recommendation, and on top of that, this
2 particular original draft did not even provide
3 a recommendation despite providing four options
4 for which to choose from.

5 Q. And it had -- what was overwhelming
6 weighted for extension? What did that refer
7 to?

8 MR. CHO: Object to the form. Also
9 objection on the grounds -- I object on the
10 grounds that it seeks information relating to
11 internal governmental deliberations, but the
12 witness can answer based on this e-mail.

13 THE WITNESS: As best I can recall,
14 again citing back to Brandon's original e-mail,
15 that it could support either extension or
16 termination from a stylistic standpoint, as I
17 recall, the draft used a lot of qualifying
18 language that was sort of dismissive of the
19 developments that had occurred in the, you
20 know, previous number of years that, you know,
21 if there are positive developments, should have
22 been phrased in a positive fashion while

1 negative developments would be appropriately
2 phrased in a negative fashion.

3 BY MR. CHRISTIAN:

4 Q. Do you have a copy of the memo that
5 you would like to use to refresh your
6 recollection?

7 MR. CHO: Object to the form. Also
8 object on the ground that it requests
9 information covered by the deliberative
10 privilege process -- of the deliberative
11 process privilege.

12 The witness can answer.

13 THE WITNESS: If you have a copy,
14 I'm happy to look at it.

15 BY MR. CHRISTIAN:

16 Q. I do not, but I mean, do you have
17 one?

18 A. I do not.

19 MR. CHRISTIAN: Does the government
20 have one that the witness can use to refresh
21 his recollection?

22 MR. CHO: We do not. We have

1 documents that you have given us in terms of
2 the exhibits. If there's documents you are
3 requesting, you can certainly put it in writing
4 to the government.

5 MR. CHRISTIAN: All right. I'll
6 move on for now.

7 BY MR. CHRISTIAN:

8 Q. So the next sentence talks about
9 dismissing or downplaying positive developments
10 that would -- should suggestion reauthorization
11 is inappropriate.

12 What were those positive
13 developments that were downplayed?

14 MR. CHO: Objection to form. Again,
15 to the extent it's seeking information relating
16 to internal governmental deliberations, but the
17 witness can answer based on what is contained
18 here in the e-mail.

19 THE WITNESS: To the best of my
20 recollection, the economy had some signs of
21 positive development, the number of internally
22 displaced people which is oftentimes referred

1 to IDP, had gone down.

2 I seem to recall the UN peacekeeping
3 mission had left the country and had handed
4 over control to the government and that the --
5 whether it's the Haitians president or someone
6 in the government had made statements publicly
7 about the desire to have Haiti nationals return
8 and the ability to welcome them back.

9 Those were the things that I recall
10 at this time.

11 BY MR. CHRISTIAN:

12 Q. Did any of those developments you
13 just mentioned have anything to do with
14 charities investing in Haiti?

15 MR. CHO: Object to the form. Also
16 to the extent it seeks information relating to
17 internal governmental deliberations, but the
18 witness can answer.

19 THE WITNESS: My previous statement
20 wasn't an exclusive list of factors. That was
21 what I recalled.

22 However, foreign aid could be

1 relevant to the economy which I think I did
2 mention.

3 BY MR. CHRISTIAN:

4 Q. So on that evening, did you actually
5 make some edits to the memorandum that you
6 deemed were necessary, given your comments in
7 the 6:28 p.m. e-mail?

8 MR. CHO: Objection to form. It
9 calls for -- object on the ground that it seeks
10 information relating to internal governmental
11 deliberations, but the witness can answer based
12 on what is contained in the e-mail.

13 THE WITNESS: According to the last
14 e-mail on the chain on this exhibit, I say,
15 "edits attached," on same day, Sunday, October
16 22, 2017 at 7:04 p.m.

17 BY MR. CHRISTIAN:

18 Q. And during the course of making
19 those edits, how much research did you do in
20 making those edits?

21 MR. CHO: Object to the form. Also
22 object on the grounds that it seeks internal

1 governmental deliberations but the witness can
2 answer.

3 THE WITNESS: It is hard to quantify
4 that. We had the country conditions report,
5 which is provided by a different department
6 within USCIS, as well as the information that
7 was included in the draft.

8 BY MR. CHRISTIAN:

9 Q. So you are saying --

10 A. And possibly some external
11 publicly-sourced information as well.

12 Q. So let me make sure I understand.

13 Are you saying that you -- in making
14 these edits, looked at the country conditions
15 report?

16 MR. CHO: Object to the form. Also
17 object on the ground it seeks information
18 relating to internal governmental
19 deliberations, but the witness can answer.

20 THE WITNESS: As best as I can
21 recall, I had the country conditions report.

22 BY MR. CHRISTIAN:

1 Q. Roughly, how long was the country
2 conditions report?

3 A. This specific one, I don't know, but
4 they are usually lengthy documents.

5 Q. In the context of making your edits,
6 you also mentioned publicly-available
7 information.

8 What publicly-available information
9 did you use to make your edits?

10 MR. CHO: Object to the form. Also
11 to the extent it's seeking information relating
12 to internal governmental deliberation, but the
13 witness can answer.

14 THE WITNESS: Can you clarify what
15 you mean by that, like, websites or Internet?

16 BY MR. CHRISTIAN:

17 Q. Any publicly-available information
18 you used during the course of making those
19 edits on September -- on October 22, 2017.

20 MR. CHO: Object to the form.
21 Object on the grounds that it seeks information
22 relating to internal governmental

1 deliberations.

2 The witness can answer.

3 THE WITNESS: To the best of my
4 recollection, I recall looking at information
5 about the economy as well as the previous
6 Federal Register notice that was publicly
7 available from Secretary Kelly's decision to do
8 a six-month extension, which is what led to the
9 need to review the conditions again so
10 quickly.

11 BY MR. CHRISTIAN:

12 Q. And during the course of that
13 review, did you look at the TPS Act?

14 MR. CHO: Object to the form.
15 Object on the ground that it's seeking
16 information relating to internal governmental
17 deliberations, but the witness can answer.

18 THE WITNESS: To the best of my
19 recollection, I -- it is very likely that I
20 did.

21 BY MR. CHRISTIAN:

22 Q. When you sent back -- well, in an

1 e-mail from Sunday, October 22, 2017, at 7:04
2 p.m., when you sent back the edits, I'm going
3 to read the text from that e-mail and please --
4 I will give you a chance to correct anything I
5 say wrong.

6 "Edits attached. I made the
7 document fully support termination and provided
8 comment boxes where additional data should be
9 provided to back up this decision."

10 Is that -- did I accurately read
11 your e-mail?

12 A. You accurately read the e-mail, yes.

13 Q. And then was that at 7:04 p.m., on
14 October 22, 2017, correct?

15 MR. CHO: Object to the form. The
16 document speaks for itself.

17 THE WITNESS: Yes, it appears so.

18 BY MR. CHRISTIAN:

19 Q. Do you have any idea, based on your
20 role with respect to Mr. Prelogar and Ms.
21 Anderson, how much time they spent on that
22 memorandum prior to it coming to you?

1 MR. CHO: Object to the form. Calls
2 for speculation.

3 Testify to what you know.

4 THE WITNESS: No, I don't. That it
5 -- the original e-mail from October 12 predates
6 my start date.

7 BY MR. CHRISTIAN:

8 Q. Sure, which was, as I recall
9 correctly, October 16?

10 A. October 16.

11 Q. All right.

12 A. Prelogar is the way --

13 Q. Prelogar, thank you.

14 I would like to direct your
15 attention to what we're going to label as
16 Exhibit No. 79.

17 (Deposition Exhibit 79 was marked
18 for identification.)

19 MR. CHO: Why don't we staple these
20 again so we don't lose any pages.

21 The government objects to Exhibit 79
22 on the grounds that these e-mail exchanges

1 contain deliberative information and appears to
2 refer to a draft response, but given those
3 caveats, the witness can answer questions about
4 this exhibit.

5 BY MR. CHRISTIAN:

6 Q. Mr. Law, when you have had a chance
7 to familiarize with it, please let me know.

8 So you have had a chance to look at
9 the document?

10 A. I've reviewed it, yes.

11 Q. What is this?

12 A. Well, there's two different things
13 here. There is an e-mail exchange and a --
14 behind the blue page, there is a -- I don't
15 know if this is the final version or a draft
16 version of a letter that was signed by the
17 director to a Neil Bradley who had written,
18 apparently according to the e-mail, written to
19 the secretary about TPS for a couple of
20 countries.

21 Q. All right. And what was your
22 involvement with this letter?

1 MR. CHO: Object to the form.

2 You can answer.

3 THE WITNESS: To the best of my
4 recollection, I reviewed it and either Kathy or
5 I have to -- the origin of this is what is
6 known as a tasker. In order for it to advance,
7 someone from the various components of --
8 within the agency have to approve it to move
9 forward, and so whether it was Kathy or I, we
10 have sort of signoff authority for the office
11 of policy and strategy, so I oftentimes review
12 or signal that the response or whatever the
13 tasker is can move forward to the director's
14 office.

15 BY MR. CHRISTIAN:

16 Q. So let's look at the e-mail portion
17 of it. I believe the last e-mail on the chain
18 is -- in the thread is from you on Wednesday,
19 November 1, 2017, at 4:07 p.m.

20 And I'm going to just read your
21 message which is very short: "Edits attached
22 to distinguish different criteria for El

1 Salvador/Honduras and Haiti TPS designation."

2 Did I read that accurately?

3 A. You did read that correctly, yes.

4 Q. So please tell me what actually --
5 what edits you provided for this letter?

6 MR. CHO: Object to the form. Also
7 object on the grounds that it seeks information
8 relating to internal governmental
9 deliberations, but within the confines of this
10 document, the witness can answer that question.

11 THE WITNESS: I don't recall the
12 specific edits that I made, but based on the
13 e-mail, two of the countries were under an
14 environmental diaster designation, while Haiti
15 was under extraordinary and temporary
16 conditions, so presumably, the original draft
17 didn't clarify which prong each of the
18 countries was under.

19 BY MR. CHRISTIAN:

20 Q. So what I'm going to do now is
21 direct your attention to what we are going to
22 label as Exhibit No. 80.

1 (Deposition Exhibit 80 was marked
2 for identification.)

3 MR. CHO: The government also
4 objects to Exhibit No. 80 which is
5 Bates-numbered DPP 10995 on the first page, on
6 the grounds that these e-mail exchanges contain
7 internal governmental deliberations, but given
8 that, the witness can answer questions about
9 this e-mail.

10 BY MR. CHRISTIAN:

11 Q. Please let me know when you have had
12 a chance to familiarize yourself with Exhibit
13 No. 80.

14 A. I'm still reviewing this, but it
15 dawned on me that Allen, who was referenced
16 earlier, his last name is Atkins.

17 Q. A-T-K-I-N-S?

18 A. I believe that's the correct
19 spelling.

20 Q. Thank you.

21 A. Still within the legislative affairs
22 division, but the name has come to me.

1 MR. CHO: I guess this document
2 helped refresh your recollection then.

3 The government also objects on the
4 grounds that the e-mail exchange doesn't touch
5 on Haiti's TPS, but reflects conversations
6 dealing with Nicaragua and as has come up at
7 prior depositions, specifically yesterday,
8 counsel has agreed not to delve into areas
9 other than Haiti's TPS.

10 Given that caveat, the witness can
11 answer questions about this e-mail.

12 THE WITNESS: I have reviewed this.

13 BY MR. CHRISTIAN:

14 Q. As far as you understand, who
15 drafted the Honduras document that the e-mail
16 refers to?

17 MR. CHO: Object to the form.

18 THE WITNESS: As far as I
19 understand, Brandon and Kathryn.

20 BY MR. CHRISTIAN:

21 Q. The e-mail makes reference to
22 indecision.

1 What does that -- what type of
2 indecision is it making reference to, as far as
3 you understand?

4 MR. CHO: Object to the form on the
5 ground that it's seeking information relating
6 to internal governmental deliberations, and
7 again, these e-mail exchanges are beyond the
8 scope of this litigation, but the witness can
9 answer based on what is contained in the
10 e-mail.

11 THE WITNESS: I point you to the
12 response from Kathryn Anderson per the statute,
13 and we can pull the specific language if that's
14 required, but there was a six-month extension
15 due to the failure to make a determination
16 before the required period of time, but I can
17 read the -- I'm not sure the full time, but if
18 you would like me to look at that, that was
19 what that reference was made to. If you don't
20 make a decision, it is automatically extended
21 for at least six months.

22 BY MR. CHRISTIAN:

1 Q. All right. And so basically, as far
2 as we understand here, is it correct, is it
3 fair to say that the secretary was still
4 undecided as to whether to recommend
5 termination or extension?

6 MR. CHO: Object to the form.
7 Object on the grounds that it's seeking
8 information related to internal governmental
9 deliberations. It's vague, calls for
10 speculation, but the witness can answer if you
11 are able to.

12 THE WITNESS: And we are talking
13 about Honduras?

14 BY MR. CHRISTIAN:

15 Q. Yes, with respect to, yes.

16 MR. CHO: Same objection.

17 THE WITNESS: I'm not privy to the
18 secretary's internal thinking, but there was a
19 statutory deadline to make a decision and a
20 decision was not conveyed at that date which
21 triggered an automatic extension.

22 BY MR. CHRISTIAN:

1 Q. And in your communication, you say
2 you scrapped the country conditions.

3 What exactly did you mean there?

4 MR. CHO: Object to the form.

5 Again, also object on the grounds that it seeks
6 information relating to internal governmental
7 deliberations, but the witness can answer.

8 THE WITNESS: Again, this is about
9 the Honduras auto extension, as best I can
10 recall, normally when a decision is made, the
11 federal register notice explains why the
12 designation was either extended or terminated.
13 However, this was a different scenario where no
14 decision was made, and I believe -- it appears
15 from my e-mail that I sought a format that was
16 similar to when Secretary Kelly made a
17 six-month extension for Haiti, and that the
18 notice was very brief, because there was no
19 decision made.

20 It's hard to know what conditions
21 the secretary or acting secretary, whatever it
22 was at that point, relied or didn't rely on to

1 not be able to make a decision.

2 BY MR. CHRISTIAN:

3 Q. I would like to direct you to --
4 we're going to label this Exhibit No. 81.

5 (Deposition Exhibit 81 was marked
6 for identification.)

7 MR. CHO: The government again
8 objects to Exhibit 81 which is Bates-numbered
9 on the first page, DPP 19763 on the grounds
10 that the e-mail contains internal governmental
11 deliberations. Also, and I believe this
12 document came up yesterday as well, this e-mail
13 relates to Honduras which is not a subject of
14 this litigation, and as plaintiffs' counsel
15 yesterday had agreed to not seek questions
16 relating to countries other than Haiti TPS.

17 Based on those caveats, the witness
18 can answer questions about this e-mail.

19 BY MR. CHRISTIAN:

20 Q. Please let me know when you have had
21 a chance to look at the exhibit.

22 A. I have read the exhibit.

1 Q. So based on your understanding, who
2 drafted the Honduras memo?

3 MR. CHO: Object to the form. Again
4 object on the grounds that it seeks information
5 relating to internal governmental
6 deliberations, but the witness can answer if
7 you know.

8 THE WITNESS: To the best of my
9 knowledge, it would have been Brandon, Kathryn,
10 and it appears at this time, Marian Drake was
11 now a part of that team. I don't know what her
12 role may or may not have been.

13 BY MR. CHRISTIAN:

14 Q. Based on your recollection, why did
15 the memo need to be rewritten?

16 MR. CHO: Object to the form. Also
17 on the grounds that it seeks information
18 relating to internal governmental
19 deliberations, but the witness can answer based
20 on what is contained here in the e-mail.

21 THE WITNESS: I don't recall.

22 BY MR. CHRISTIAN:

1 Q. And one e-mail in the thread is --
2 the one sent on Wednesday, April 11, 2018, at
3 11:43 a.m.

4 There is -- it says: "Need to send
5 to OCC."

6 What does OCC stand for?

7 A. That stands for the Office of Chief
8 Counsel.

9 Q. And what about SCOPS?

10 A. Service Center Operations, I
11 believe.

12 Q. Do you recall who in the director's
13 office requested the changes?

14 MR. CHO: Objection to the form.
15 Also object on the grounds that it seeks
16 information relating to internal governmental
17 deliberations. Calls for speculation. Vague.

18 But you can answer if you can.

19 THE WITNESS: I don't recall.

20 BY MR. CHRISTIAN:

21 Q. Do you recall any specifics about
22 the changes that came about as a result of this

1 request?

2 MR. CHO: Object to the form. Also
3 object on the grounds that it seeks information
4 relating to internal governmental
5 deliberations, and is beyond the scope of this
6 litigation as well, because it relates to
7 Honduras, but the witness can answer if you are
8 able to.

9 THE WITNESS: I don't recall.

10 BY MR. CHRISTIAN:

11 Q. This will be -- I'm going to direct
12 your attention to what will be marked as
13 government -- as Exhibit, rather, 82.

14 (Deposition Exhibit 82 was marked
15 for identification.)

16 MR. CHO: Sorry. Let's staple this.
17 Think there's a way we can get them
18 stapled before you give them to the witness?

19 MR. CHRISTIAN: Absolutely. Hand me
20 the stapler.

21 MR. CHO: Well, I mean in the
22 future. Just saves some time.

1 MR. CHRISTIAN: Absolutely.

2 MR. CHO: Thank you.

3 The government also objects to
4 Exhibit 82 on the grounds that this document
5 may contain internal governmental
6 deliberations.

7 But the witness may answer questions
8 about this document.

9 BY MR. CHRISTIAN:

10 Q. Have you had a chance to familiarize
11 yourself with it?

12 A. I've reviewed.

13 And after we finish questions on
14 this particular exhibit, can I have a short
15 break?

16 Q. We'll have a -- we'll break for
17 lunch then.

18 A. Perfect.

19 Q. So who drafted this document?

20 MR. CHO: Object to the form.

21 THE WITNESS: I do not know
22 specifically. But it's identified as the state

1 department's recommendation for TPS Haiti.

2 BY MR. CHRISTIAN:

3 Q. Did you have any interaction with
4 the state department during the drafting of
5 this document?

6 MR. CHO: Object to the form.

7 THE WITNESS: I don't believe I did.

8 BY MR. CHRISTIAN:

9 Q. Maybe you can help me understand a
10 few things about it.

11 We look at -- first of all, let me
12 ask.

13 In the course of your employment at
14 USCIS, have you seen many of these types of
15 documents from the state department?

16 MR. CHO: Object to the form.

17 THE WITNESS: It's my understanding
18 the state department produces one of these for
19 each country that is up for review.

20 BY MR. CHRISTIAN:

21 Q. Roughly how many of these have you
22 seen during your course of your employment --

1 MR. CHO: Object --

2 BY MR. CHRISTIAN:

3 Q. -- with USCIS?

4 MR. CHO: Object to the form.

5 THE WITNESS: However many countries

6 have been up for review since I came on board.

7 I don't know the exact number. Seven, eight.

8 BY MR. CHRISTIAN:

9 Q. So we looked at -- excuse me -- at

10 the -- it's the second page, which would be --

11 the last three digits of the Bates number will

12 be92 -- 921.

13 It makes reference to -- has a few

14 different questions or items under

15 "Environmental Diaster."

16 Do you -- based on your experience,

17 what does "N/A" mean under these factors?

18 And that's in, you know, letter B,

19 "Environmental Diaster." Under that heading.

20 A. As I understand it, N/A is generally

21 noted shorthand for not applicable or some

22 similar version of that.

1 Q. All right. And so that would be
2 that the -- that would be your understanding of
3 -- of 1, 2 and 3 -- B1, B2 and B3?

4 A. Yes.

5 Q. Okay. Based on your work at this
6 time, was your understanding that Haiti was
7 still feeling impact from the earthquake that
8 originally triggered the designation?

9 MR. CHO: Object to the form.

10 What time period are you referring
11 to?

12 MR. CHRISTIAN: Basically -- let me
13 take a step back.

14 BY MR. CHRISTIAN:

15 Q. Do you recall the time period of
16 this document?

17 MR. CHO: Object to the form.

18 THE WITNESS: Not specifically. But
19 it would have been shortly after I started in
20 October of 2017.

21 MR. CHRISTIAN: Okay. Okay.

22 THE WITNESS: Or early -- or early

1 November. In that time frame --

2 MR. CHRISTIAN: Okay.

3 THE WITNESS: -- because of the need
4 to make a decision.

5 BY MR. CHRISTIAN:

6 Q. So within your first month of
7 employment at USCIS?

8 A. More or less, yeah. Maybe a week or
9 two more. But within that time frame, yes.

10 Q. Okay. So -- take a step back.

11 So -- so based on your -- your
12 understanding of conditions that are relevant
13 for TPS status or designation, does an
14 earthquake -- is an earthquake a relevant --
15 possibility qualify as an environmental
16 diaster?

17 MR. CHO: Object to the form. This
18 has been asked and answered.

19 But the witness can answer again.

20 THE WITNESS: I think, as we've
21 previously discussed -- and I can pull the --
22 the statute again -- an -- an earthquake could

1 fall under the environmental diaster prong if
2 these additional criteria are met: substantial
3 temporary disruption of living conditions,
4 unable temporarily to handle the return, and
5 the foreign state requests the designation.

6 MR. CHRISTIAN: Right.

7 THE WITNESS: I can pull the
8 specific language if you want, but that
9 I believe is what the criteria is for
10 environmental diaster.

11 BY MR. CHRISTIAN:

12 Q. So Hurricane Matthew possibly may
13 constitute an environmental diaster?

14 MR. CHO: Object to the form. Calls
15 for speculation. Vague.

16 You can answer if you can.

17 THE WITNESS: I'm not familiar with
18 specifically Hurricane Matthew. But if all of
19 those criteria were met, that would potentially
20 make a country eligible. The underlying
21 decision to make an initial determination is
22 purely discretionary by the secretary, so...

1 BY MR. CHRISTIAN:

2 Q. So based on your -- so in your work
3 on considering and making a determination with
4 respect to Haiti, did you evaluate any
5 conditions related to Hurricane Matthew?

6 MR. CHO: Object to the form. Calls
7 for information relating to internal
8 governmental deliberations.

9 But the witness can answer.

10 THE WITNESS: I don't recall if
11 hurricane was specifically a part of the
12 analysis.

13 BY MR. CHRISTIAN:

14 Q. So you don't recall whether
15 Hurricane Irma was a part of the analysis?

16 MR. CHO: Object to the form. Also
17 object on the grounds that it seeks information
18 relating to internal governmental
19 deliberations.

20 But the witness can answer.

21 THE WITNESS: I -- I don't recall if
22 that was specifically in the -- the memo or the

1 country condition report provided by USCIS.

2 BY MR. CHRISTIAN:

3 Q. Do you remember whether you
4 considered whether persuasive gender violence
5 was a factor considered in making a determining
6 with respect to Haiti?

7 MR. CHO: Object to the form. Also
8 object on the grounds that it seeks internal
9 governmental deliberations.

10 Again, just for clarity, are you
11 referring to Exhibit 82 in your line of
12 questioning, or have you moved on to a
13 different --

14 MR. CHRISTIAN: Well, I'm -- I'm
15 asking him general questions that -- that --
16 that are relevant to Exhibit 82.

17 MR. CHO: Okay. Because you're --
18 you're kind of jumping around. So I'm not
19 following exactly what -- are you referring to
20 specific criteria in Exhibit 82, Page 921; or
21 are you referring to something more broadly
22 speaking?

1 I'm not quite following.

2 BY MR. CHRISTIAN:

3 Q. Okay. So extraordinary and
4 temporary conditions on page with Bates number
5 ending 921 relates to -- and I'll just read it:
6 "Has the foreign state experienced
7 extraordinary and temporary conditions that
8 prevent aliens who are nationals of the state
9 from returning to the state in safety.

10 So that's one -- one of the -- of
11 the questions.

12 And so what I'm doing is I'm asking
13 questions about his understanding of the
14 conditions that were considered in making the
15 determination.

16 MR. CHO: Right. Just so it's
17 clear -- because it's a little bit unclear --
18 this is a state department document.

19 MR. CHRISTIAN: No. I understand.
20 I understand.

21 MR. CHO: Okay.

22 MR. CHRISTIAN: Yeah. I understand.

1 MR. CHO: Which does reference
2 Hurricane Matthew at the bottom of that page.

3 MR. CHRISTIAN: Right.

4 MR. CHO: So I'm just not quite
5 understanding what you're referring to.

6 BY MR. CHRISTIAN:

7 Q. Okay. So does this -- your
8 understanding of this -- this document, does it
9 make reference to gender violence?

10 MR. CHO: Object to the form. The
11 document speaks for itself.

12 THE WITNESS: The phrase
13 "gender-based violence" does appear in the
14 state department's document, yes.

15 BY MR. CHRISTIAN:

16 Q. And what does it say?

17 MR. CHO: Again, the document speaks
18 for itself.

19 You can identify the part of the
20 record that shows that.

21 BY MR. CHRISTIAN:

22 Q. And the -- would you just go ahead

1 and...

2 A. Second paragraph, under C1, appears
3 to be the second sentence: "Despite these
4 gains, gender-based violence in the IDP areas
5 remains a serious concern, and personal
6 security is a serious and persuasive problem."

7 I'd have to keep looking through
8 the document --

9 Q. Okay. So --

10 A. -- to see if it comes up elsewhere.

11 Q. That's okay. Let's -- so let's just
12 stop there.

13 Was this a factor that was
14 considered in -- at USCIS in making a
15 determination with respect to Haiti?

16 MR. CHO: Object to the form. Also
17 object on the grounds that it seeks information
18 relating to internal governmental
19 deliberations. The question calls for
20 speculation and is vague.

21 The witness can answer if you know.

22 THE WITNESS: I -- I don't recall

1 all the factors that were included in the
2 determination.

3 BY MR. CHRISTIAN:

4 Q. In your work on the determination,
5 did you consider it?

6 MR. CHO: Object to the form. Also
7 object on the grounds that it seeks information
8 relating to internal governmental
9 deliberations.

10 The witness can certainly talk about
11 the exhibit that's in front of him that you've
12 given to him at this time relating to this
13 exhibit.

14 With that in mind, the witness can
15 answer.

16 THE WITNESS: I don't recall if the
17 USCIS decision memo or the underlying country
18 conditions specifically reference that or not.

19 BY MR. CHRISTIAN:

20 Q. Okay. Do you recall whether USCIS
21 considered whether food crisis -- existence of
22 a food crisis in its determination?

1 MR. CHO: Object to the form.

2 Again, object on the grounds that seeks
3 information relating to internal governmental
4 deliberations. And vague. Calls for
5 speculation. Also the use of term "did USCIS."

6 Again, this witness can talk about
7 his own personal knowledge.

8 The witness can answer.

9 THE WITNESS: I don't recall if that
10 was included in the -- the memo of the
11 underlying conditions report.

12 BY MR. CHRISTIAN:

13 Q. Do you -- do you remember whether
14 you considered it?

15 MR. CHO: Object to the form.

16 Vague. And seeks information relating to
17 internal governmental deliberations.

18 The witness can answer.

19 THE WITNESS: Again, I don't recall
20 if it was part of the -- the materials for
21 consideration for USCIS.

22 BY MR. CHRISTIAN:

1 Q. And you don't recall whether you
2 considered it?

3 MR. CHO: Same objection.

4 THE WITNESS: I stand by my previous
5 statement.

6 BY MR. CHRISTIAN:

7 Q. Do you remember whether you
8 considered the out -- cholera outbreak as a
9 factor in making the determination?

10 MR. CHO: Object to the form of the
11 question. Also object on the grounds of
12 foundation.

13 You're -- you're asking him about a
14 decision. There's no foundation that he made
15 any decisions. Also on the grounds that it
16 seeks information relating to internal
17 governmental deliberations.

18 The witness can answer based on the
19 document he has in front of him.

20 THE WITNESS: I do recall cholera
21 being included in the memo and the improvements
22 in handling the outbreak.

1 MR. CHRISTIAN: Okay. I think now
2 would be a good time to take a break for lunch.

3 MR. CHO: Just to clarify, you had
4 asked questions about decisions. The decision
5 memos are in the record and they have been
6 exhibits. So to the extent you want to show
7 this witness and ask questions about decision
8 memos, because he did say he did not recall
9 what those decision memos reflected.

10 MR. CHRISTIAN: Okay. Appreciate
11 it.

12 MR. CHO: How much time do you want
13 for lunch?

14 THE VIDEOGRAPHER: Going off the
15 record at is 12:11.

16 (A short recess was taken.)

17 THE VIDEOGRAPHER: We are back on
18 the record at 1:13.

19 BY MR. CHRISTIAN:

20 Q. Good afternoon, Mr. Law.

21 A. Good afternoon.

22 Q. So you are still under oath, and

1 we're just going to continue from where we left
2 off a little bit earlier.

3 Are you ready to continue?

4 A. I'm ready, yes.

5 Q. So what I would like to do now is
6 direct you to what is going to be Exhibit 83.

7 (Deposition Exhibit 83 was marked
8 for identification.)

9 MR. CHO: The government objects to
10 Exhibit 83 again on the grounds -- the first
11 page is Bates-numbered DPP 19354, on the
12 grounds that this document is an internal
13 government document that contains deliberative
14 information.

15 Given that caveat, the witness is
16 able to speak to this exhibit.

17 BY MR. CHRISTIAN:

18 Q. Okay. Do you want to take a moment
19 to -- to familiarize yourself with the
20 document, Mr. Law?

21 A. Sure.

22 Sorry. Okay.

1 Q. Oh, I'm sorry.

2 So -- so you're -- you've taken
3 chance -- time to familiarize yourself with the
4 document?

5 A. Yes, I have.

6 Q. Okay. Do you recognize it?

7 A. Yes. This is the country conditions
8 report prepared by USCIS RAIO.

9 Q. Okay. And I guess, during the
10 course of -- what is the time frame for this
11 document, if you recall?

12 A. I -- I don't -- I don't know. It's
13 my understanding that it takes a long time to
14 do country conditions reports --

15 Q. Uh-huh.

16 A. -- which is what made it
17 particularly unique in this situation. Because
18 there was only a six-month extension.

19 Q. Uh-huh.

20 A. So I -- I don't know how quickly
21 after then Secretary Kelly made his six-month
22 extension these individuals turned around and

1 started looking at the conditions again.

2 Q. Okay. Do you remember roughly when
3 you first saw this document?

4 A. Probably around the same time I saw
5 the draft -- the first draft of the decision
6 memo.

7 Q. All right. So -- so just -- I mean
8 we're not going to get into trying to go
9 through the whole text of this thing unless
10 there are parts you want to highlight.

11 But let's -- if you would turn to
12 the last page, which is -- has the heading
13 "Summary."

14 So what I'm going to do is just --
15 is just read a couple of parts of it and then
16 ask you a couple of questions with respect to
17 that.

18 So the first paragraph under the
19 summary reads as follows. And please, I'll
20 give you a chance to correct me if I -- if I
21 flub it at a part or -- or at a point.

22 "Haiti's recovery has been hindered

1 by subsequent natural disasters and various
2 political, social, health, security and
3 economic conditions, which have negatively
4 impacted" -- "impacted the country in recent
5 years. Haiti remains vulnerable to external
6 shocks, and its internal fragility has left it
7 unable to adequately respond to a wide range of
8 persistent humanitarian needs."

9 And then the next -- then it goes on
10 to say: "As a UNOCHA" -- "UNOCHA and the
11 United Nations country team in Haiti reported
12 in January 2017, with more than 98 percent of
13 Haitians exposed to two or more types of
14 disasters, the impact of the current natural
15 disasters is particularly severe, especially
16 considering the already preexisting protection,
17 socioeconomic and environmental vulnerabilities
18 and disparities. Most Haitians remain
19 vulnerable to natural hazards and disasters
20 such as floods, landslides, droughts,
21 earthquakes and hurricanes. With more than
22 half of its" population -- "of its total

1 population living in extreme poverty, Hurricane
2 Matthew has once more demonstrated Haiti's
3 weakened ability to cope, recover and adapt to
4 shocks from natural disasters. Meanwhile, as a
5 result of electoral-related tensions,
6 politically motivated demonstrations and
7 insecurity have affected the humanitarian
8 operating environment since mid 2015 against
9 the backdrop of" the -- "a decreasing
10 humanitarian presence in the field due to" a --
11 "to the lack of humanitarian funding. Due to
12 the conditions outlined in this report, Haiti's
13 recovery from" 2 -- "from the 2010 earthquake
14 could be characterized as falling into what one
15 nongovernmental organization recently described
16 as "the country's tragic pattern of a 'one step
17 forward, two steps back.'"

18 That -- one could characterize that
19 summary of the report as -- as being fairly
20 dire.

21 Do you believe that this report
22 supports extending TPS for Haiti --

1 MR. CHO: Object to the form.

2 BY MR. CHRISTIAN:

3 Q. -- at the time?

4 MR. CHO: Object to the form. Also
5 on the ground that it seeks information
6 relating to internal governmental deliberations
7 as this document is an internal document
8 related to those internal deliberations.

9 But with the document in front of
10 you, the witness can answer.

11 THE WITNESS: As I recall, the
12 document taken as a whole, all 18 pages of it,
13 contained information that was both positive
14 and negative developments that, on balance, in
15 accordance with the statutory criteria, found
16 that, in the secretary's determination, that
17 termination would be appropriate.

18 BY MR. CHRISTIAN:

19 Q. So notwithstanding these conditions,
20 based on your -- your -- your perspective this
21 supports not -- not extending -- or terminating
22 TPS status for Haiti?

1 MR. CHO: Objection to the form. I
2 think the question was a bit --

3 MR. CHRISTIAN: Well --

4 MR. CHO: -- ambiguous. You just
5 said two different things. But also
6 mischaracterizes his prior testimony.

7 If counsel would like to rephrase
8 the question. Or the witness can try to answer
9 if he can.

10 MR. CHRISTIAN: Ill rephrase. I'll
11 -- I'll rephrase and break it into two
12 questions.

13 BY MR. CHRISTIAN:

14 Q. One, is it your position that this
15 report supports terminating TPS status for
16 Haiti?

17 MR. CHO: Object to the form.
18 Again, object on the grounds that the question
19 seeks information relating to internal
20 government deliberations.

21 The witness here is a fact witness.
22 He's not a 30(b)(6) witness. So any positions

1 he has would not be the position of the agency.

2 Again, with those caveats in mind,
3 the witness can answer the question.

4 THE WITNESS: Taken in whole, there
5 appears to be sufficient information in this
6 report, combined with what the statutory
7 requirements are, that, should the secretary
8 determine so, that termination would be
9 appropriate.

10 BY MR. CHRISTIAN:

11 Q. Okay. I'd like to redirect your
12 attention back to exhibit -- let's see here. I
13 believe it's 8 -- 78 rather.

14 MR. CHO: The government again
15 renews its objection to Exhibit 78 on the
16 grounds that this exhibit contains internal --
17 internal governmental deliberations.

18 But the witness can answer questions
19 about the exhibit.

20 BY MR. CHRISTIAN:

21 Q. Okay. At -- at the time you wrote
22 the e-mail -- and I'll just re -- I'll redirect

1 it for the -- for the record.

2 You wrote an e-mail on -- on this
3 thread dated October 22nd, 2017, at 6:28 p.m.
4 And in the first sentence, it says: "The draft
5 is overwhelming weighted for extension" -- "for
6 extension."

7 To your recollection, did that draft
8 include factors that were not in the country
9 conditions report we just discussed?

10 MR. CHO: Object to the form.
11 Object. Asked and answered. Also object on
12 the grounds that it seeks information relating
13 to internal governmental deliberations.

14 But the witness can answer based on
15 the exhibit in front of him.

16 THE WITNESS: From what I recall,
17 the initial draft contained conditions from the
18 RAI0 country conditions report.

19 BY MR. CHRISTIAN:

20 Q. So that would be Exhibit 83 we were
21 discussing?

22 A. Yes. It contains the some but not

1 all. Obviously, there's -- 18-page document.

2 So --

3 Q. Right?

4 A. -- it wasn't all included.

5 Q. Okay. But -- but slightly -- put
6 slightly different, to your recollection, did
7 the memo include factors that were not included
8 in the country conditions report, which is
9 Exhibit 83?

10 MR. CHO: Object to the form. Again
11 objection on the grounds that it seeks
12 information relating to internal governmental
13 deliberations.

14 But the witness can answer based on
15 the exhibit in front of him.

16 THE WITNESS: I -- I can't recall
17 off the top of my head if the -- the draft --
18 first draft of the memo had other material in
19 it.

20 BY MR. CHRISTIAN:

21 Q. Now, one of the things that came up
22 a little bit earlier, too, is you mentioned

1 some -- some -- do you recall testifying
2 earlier about some positive factors that may
3 not have been included in the memorandum?

4 MR. CHO: Object to the form.
5 Mischaracterizes the prior testimony.

6 The witness can answer.

7 THE WITNESS: I don't believe I said
8 wasn't included. I --

9 MR. CHRISTIAN: Okay.

10 THE WITNESS: -- believe -- and it
11 can be read back so it's restated correctly.
12 But I -- I believe I said positive factors were
13 stylistically phrased in a way that was not as
14 potentially positive as those particular
15 factors were.

16 BY MR. CHRISTIAN:

17 Q. As you sit here, can you recall any
18 of those factors?

19 MR. CHO: Object to the form. Also
20 object on the grounds that it seeks information
21 relating to internal governmental
22 deliberations.

1 But the witness can answer based on
2 the exhibit in front of him.

3 THE WITNESS: From -- again, as I
4 believe I -- I discussed earlier, I -- I recall
5 the -- the economy, GDP growth. There were --
6 there were signs of improvement since 2010 to
7 at that time present. I think I also mentioned
8 I recall the number of internally displaced
9 people, IDP, was reducing.

10 I'd have to defer to my other
11 statement to -- I don't mean to omit anything
12 that I previously stated, but that's what I
13 recall.

14 BY MR. CHRISTIAN:

15 Q. I'm not trying to test you. I just
16 wanted to make sure.

17 I -- I thought I recalled something
18 I wanted to ask you another question about.

19 So -- but those are the -- the
20 conditions that you're -- you're -- that come
21 to mind right now.

22 Do you remember any -- any request

1 from Haiti to terminate the TPS?

2 MR. CHO: Object to the form.

3 Is there a time frame that you're
4 referring to?

5 MR. CHRISTIAN: During October of
6 2017 -- prior to 2 -- 2 -- October 2017.

7 MR. CHO: Well, before 2017 October,
8 he was not employed by USCIS.

9 MR. CHRISTIAN: Right. That's why
10 -- so he would have had to have read a doc --
11 read a document or something of that nature.
12 I'm not saying he would have all of the
13 knowledge of the institution. But did he come
14 across any --

15 BY MR. CHRISTIAN:

16 Q. Did you come across any information
17 about any request prior to -- during or prior
18 to 2 -- October 2017 by Haiti to end TPS
19 status?

20 MR. CHO: Object to the form. If it
21 relates to a time period when he was employed
22 by the government, I object on the grounds that

1 seeks information relating to internal
2 governmental deliberations.

3 But the witness can answer the
4 question.

5 THE WITNESS: I don't recall -- I
6 don't believe I saw that. Because that's not a
7 -- it's not a requirement. Termination can be
8 terminated regardless of what the host country
9 says it's not -- not a condition. So it would
10 be unusual for -- to receive such a request.

11 BY MR. CHRISTIAN:

12 Q. And do you recall receiving any --
13 learning of any statement by any -- by any
14 official on behalf of Haiti indicating that it
15 was ready to receive Haitians back from the
16 United States?

17 MR. CHO: Object to the form of the
18 question.

19 Again, do you want to bracket this
20 question --

21 BY MR. CHRISTIAN:

22 Q. During your time --

1 MR. CHO: -- to a specific time
2 frame?

3 BY MR. CHRISTIAN:

4 Q. -- at -- at USCIS.

5 MR. CHO: Object to the form of the
6 question again. Object on the grounds that the
7 request -- or the question is seeking
8 information relating to internal governmental
9 deliberations.

10 But the witness can answer the
11 question.

12 THE WITNESS: I think I previously
13 mentioned that I -- I do recall reading
14 something where the -- either the president or
15 someone in the -- the government of Haiti had
16 said that they wanted the Haiti nationals to
17 return.

18 BY MR. CHRISTIAN:

19 Q. Do you remember what type of
20 document that might have been?

21 MR. CHO: Object to the form.
22 Mischaracterizes prior testimony.

1 The witness can answer.

2 THE WITNESS: No. I don't recall.

3 BY MR. CHRISTIAN:

4 Q. And you -- and -- what's your level
5 of confidence that it was the president who
6 made that statement?

7 MR. CHO: Object to the form of the
8 question. Calls for speculation.

9 The witness can answer.

10 THE WITNESS: I -- I don't know. I
11 just -- I -- I know it was an actual government
12 official. I recall it being reported that way.

13 BY MR. CHRISTIAN:

14 Q. And when you say "reported," do you
15 mean in a news publication?

16 MR. CHO: Object to the form.

17 THE WITNESS: I -- I don't recall
18 how I read it. But it was something that I
19 read. Whether it was in the country conditions
20 report or -- or elsewhere. Maybe it was a news
21 article.

22 I -- I do not know the forum of it.

1 But I did see it written down not from, you
2 know, like an internal source that the -- the
3 government of Haiti in capacity, whether it was
4 the president or someone else in the broader
5 government apparatus, was eager to have Haitian
6 nationals return home.

7 BY MR. CHRISTIAN:

8 Q. Would you like to review Exhibit No.
9 83 to see if that may have been the source of
10 that recollection?

11 A. I can look. Sure.

12 Q. Okay.

13 A. That specific information is not in
14 this report.

15 Q. Thank you very much.

16 MR. CHRISTIAN: So I'd like to now
17 direct your attention to what's going to be
18 labeled as Exhibit 86.

19 (Deposition Exhibit 86 was marked
20 for identification.)

21 MR. CHO: The government again
22 objects to Exhibit 86, Bates No. CP 29836, on

1 the grounds that this document contains
2 internal governmental deliberations.

3 But we'll allow the witness to
4 answer questions regarding this e-mail.

5 BY MR. CHRISTIAN:

6 Q. Mr. Law, do you recognize Exhibit
7 86?

8 A. It appears to be an e-mail I sent,
9 yes.

10 Q. And what was the general topic of
11 this e-mail?

12 A. "Additional research on the country
13 conditions in Haiti."

14 Q. All right. And so who's Jacob
15 Stubbs?

16 A. He's a special advisor, I think is
17 his title, in the office of policy and
18 strategy, special assistant. He's kind of a
19 junior-level political staffer this the office
20 of policy and strategy.

21 Q. All right. So -- so can you -- can
22 you tell me what happened right before you sent

1 this -- what -- what -- what caused you to send
2 this e-mail to Mr. Stubbs?

3 MR. CHO: Objection to form. And
4 also object on the grounds of the deliberative
5 process privilege.

6 The -- the witness can talk about
7 this e-mail in front of him, Exhibit 86. The
8 witness can go ahead and answer.

9 THE WITNESS: I don't know the --
10 the specifics.

11 BY MR. CHRISTIAN:

12 Q. So you're saying, just to make sure
13 I'm clear, you have no recollection about what
14 caused you to send this e-mail?

15 MR. CHO: Same objection.

16 The witness can answer.

17 THE WITNESS: I have no specific
18 recommend -- recollection of -- of that. I
19 mean it's...

20 BY MR. CHRISTIAN:

21 Q. Okay. So let's -- let's -- let's
22 get into the content of the e-mail then.

1 First of all, what -- and correct me
2 where I'm wrong.

3 So Tuesday, October 31st, 2017, at
4 5:44 p.m., you e-mailed Jacob Stubbs as
5 follows: "Hey, Jacob. I have an important
6 research project for you if you have the time
7 tomorrow. I need positive data on the current
8 status of Haiti to bolster the recommendation
9 to terminate TPS."

10 So I'll stop right there. That's --
11 that's the first couple of sentences --
12 actually, the first -- yeah, first couple of
13 sentences.

14 Did I get them right?

15 A. You read them correctly, yes.

16 Q. So what -- why did you have a need
17 to bolster -- to get positive data to bolster
18 the recommendation to terminate TPS?

19 MR. CHO: Object to the form. And
20 also object on the grounds that it seeks
21 information relating to internal governmental
22 deliberations.

1 The witness can limit his response
2 to what's contained here in the e-mail.

3 THE WITNESS: To the best of my
4 recollection, I wanted to make sure the
5 decision memo that went to the director and
6 then subsequently to the secretary contained
7 sufficient information.

8 BY MR. CHRISTIAN:

9 Q. Sufficient information to do what?

10 MR. CHO: Object to the form.
11 Object to the question again on the grounds
12 that it seeks information relating to internal
13 governmental deliberations privilege.

14 The witness can answer the question
15 based on Exhibit 86.

16 THE WITNESS: For the secretary to
17 make the decision on extending, terminating, or
18 in this case with it being an acting secretary,
19 not making a decision by the deadline.

20 BY MR. CHRISTIAN:

21 Q. So -- so what I'm going to do now is
22 continue from where I left off.

1 Look back to Sec Kelly's six-month
2 extension for language citing -- and this next
3 word is in quotes: "Improvements or the like
4 that I can plug in. Also see if you can find
5 any other positive data such as tourism (maybe
6 see if England or the EEU has any advisories on
7 travel to Haiti -- not worried about violence
8 flags because irrelevant to TPS analysis),
9 unemployment/workforce, wages, et cetera."

10 And I'll stop there.

11 Did get that part right?

12 MR. CHO: Object to the form. The
13 document speaks for itself.

14 The witness can answer.

15 THE WITNESS: You read that
16 correctly.

17 BY MR. CHRISTIAN:

18 Q. Okay. And so were you looking for
19 data outside the country conditions report,
20 which is document -- excuse me -- Exhibit 83?

21 MR. CHO: Object to the form. Also
22 object on the grounds that it seeks information

1 relating to the internal governmental
2 deliberations.

3 But the witness can answer the
4 question.

5 THE WITNESS: Yes. In addition to
6 the country conditions report looking for
7 additional information.

8 BY MR. CHRISTIAN:

9 Q. All right. And then -- I'm going to
10 continue reading just a little bit: "Be
11 creative."

12 What'd you mean by -- first of all,
13 did I get that right, "be creative"?

14 A. That's correct.

15 Q. What did you mean by "be creative"?

16 MR. CHO: Object to the form again.
17 Also object on the grounds that it seeks
18 information relating to internal governmental
19 deliberations.

20 But the witness can answer.

21 THE WITNESS: I don't recall the
22 specifics. But, you know, Jacob is a

1 lower-level staffer, doesn't have a -- a legal
2 background, and didn't -- was trying to just
3 provide general guidance for him to -- to look
4 at anything that was out there that was
5 publicly sourced information on the country
6 conditions.

7 BY MR. CHRISTIAN:

8 Q. You mentioned that he didn't -- that
9 Jacob didn't have a legal background.

10 Do you think that a legal background
11 would have been helpful in identifying factors
12 that would be relevant to the TPS
13 determination?

14 MR. CHO: Object to the form.
15 Mischaracterizes prior testimony. And to the
16 extent it seeks information relating to
17 internal governmental deliberations.

18 But the witness can answer.

19 THE WITNESS: There already are
20 avenues of -- of counsel reviewing the memo.
21 So simple research could have been done by --
22 by anybody, which is why I asked Jacob to do

1 the research.

2 BY MR. CHRISTIAN:

3 Q. Based upon your understanding of the
4 TPS Act, would all of these factors that you
5 enumerated here in Exhibit 86 be relevant to
6 the analysis?

7 MR. CHO: Object to the form. Also
8 on the grounds that the question seeks a legal
9 conclusion. And based on the government
10 deliberations privilege.

11 The witness can still answer the
12 question.

13 THE WITNESS: It's my understanding
14 that none of the factors that I listed are
15 precluded from being considered.

16 BY MR. CHRISTIAN:

17 Q. So just to make sure I'm clear.

18 When you say it's not your -- it's
19 your understanding that they're not precluded,
20 do you mean not explicitly precluded from the
21 -- by the -- by the TPS Act?

22 MR. CHO: Object to the form.

1 Mischaracterizes prior testimony.

2 The witness can answer.

3 THE WITNESS: It's my understanding
4 that -- that things like what is listed towards
5 them could -- unemployment, those factors,
6 could be considered in the decision making
7 process. Not -- didn't have to but could be.
8 There's nothing that prevented them.

9 BY MR. CHRISTIAN:

10 Q. Is it your understanding that
11 violence is relevant to TPS analysis?

12 MR. CHO: Object to the form to the
13 extent the question calls for a legal
14 conclusion and also to the extent it seeks
15 information relating to the governmental
16 deliberations privilege.

17 But the witness can answer the
18 question.

19 THE WITNESS: So there's -- you
20 know, that is what is written. But it is
21 poorly written.

22 What I was trying to convey to

1 Jacob, who didn't have a statutory background
2 in it, was information on the violence was
3 already included in the draft, as I recall at
4 that time. So I was asking him to look for
5 things that weren't already contained in the
6 country conditions report and anything else
7 that had already been publicly sourced.

8 BY MR. CHRISTIAN:

9 Q. I see.

10 So -- so here and now, testifying
11 today -- let me make sure -- you're -- you're
12 not saying that violence is irrelevant to a TPS
13 analysis, sitting here today; is that correct?

14 MR. CHO: Object to the form.
15 Mischaracterizes his prior testimony. And also
16 to the extent it calls for legal conclusion and
17 to the extent it seeks information relating to
18 the internal governmental deliberations.

19 But the witness can answer the
20 question.

21 THE WITNESS: I'm not saying that
22 that is irrelevant to -- that it -- it could be

1 considered, yes.

2 BY MR. CHRISTIAN:

3 Q. So let's -- I would like now to
4 redirect your attention to what will be labeled
5 as Exhibit 95.

6 (Deposition Exhibit 95 was marked
7 for identification.)

8 BY MR. CHRISTIAN:

9 Q. As you look at the document, on the
10 paper it says Exhibit 37, but the sticker says
11 Exhibit 95, so please go by the sticker.

12 A. Okay.

13 Q. When you have finished taking a look
14 at it, please let me know.

15 MR. CHO: The government also
16 objects to Exhibit 95 on the grounds that the
17 document is Bates-numbered with a DPP
18 designation suggesting that these documents
19 contain internal governmental deliberations.

20 Be that as it may, the witness can
21 answer questions about this exhibit.

22 BY MR. CHRISTIAN:

1 Q. So now you've -- for the record, you
2 have had a chance to take a look at the
3 document.

4 What, if any, knowledge did you have
5 of this meeting occurring?

6 A. I don't recall having any knowledge
7 of this meeting.

8 Q. And do you -- what, if any, role did
9 you have in relation to the drafting of the
10 discussion paper for the principal small group
11 meeting on Temporary Protected Status?

12 MR. CHO: Objection to form. Also
13 object on the grounds that it seeks information
14 relating to internal governmental
15 deliberations, but the witness can answer based
16 on personal knowledge.

17 THE WITNESS: Are you referring to
18 the portion on Page DPP 3576?

19 BY MR. CHRISTIAN:

20 Q. Yes.

21 A. I had no role.

22 Q. Okay. Thank you.

1 So now, I would like to direct your
2 attention to what we will mark as Exhibit No.
3 88.

4 (Deposition Exhibit 88 was marked
5 for identification.)

6 MR. CHO: The government objects to
7 Exhibit 88 on the grounds that this e-mail
8 exchange contains information relating to
9 internal governmental deliberations, but the
10 witness can talk -- or testify to information
11 contained in this exhibit.

12 BY MR. CHRISTIAN:

13 Q. Mr. Law, take a moment to take a
14 look at the document. Please let me know when
15 you have finished looking at it.

16 A. I've finished looking at it. I've
17 finished.

18 Q. All right. Thank you. So what I
19 would like to do is just ask a few questions
20 about this one.

21 So this makes -- if you look at the
22 e-mail in the thread dated November 13, 2017,

1 at 10:44 a.m.

2 First, let me -- are you familiar
3 with this document?

4 A. No. I -- maybe whatever part I was
5 actually included on, I think is just a couple
6 of them.

7 Q. Right. So an e-mail on November 12,
8 2017, at 11:14 a.m., that you sent?

9 A. Yes. That appears to be correct,
10 yeah.

11 Q. And are you -- do you recall what
12 suggested edits you were actually editing here?

13 MR. CHO: Object to the form. Also
14 objection on the grounds that it seeks
15 information relating to the internal government
16 deliberations, but the witness can answer if he
17 can.

18 THE WITNESS: No, I don't -- I don't
19 recall.

20 BY MR. CHRISTIAN:

21 Q. And I see in your e-mail, it says
22 D1.

1 Who does that refer to?

2 A. That refers to the director.

3 Q. The director of?

4 A. Director Cissna. Shorthand that is
5 used.

6 Q. At the time, the director was --

7 A. Director Cissna.

8 Q. And you say -- there's a point about
9 not signing letters. What type of letter is
10 this the director is not signing?

11 MR. CHO: Object to the form.

12 The witness can answer.

13 THE WITNESS: So this appears to be
14 a letter that a member of Congress,
15 specifically Chairman Grassley had sent to the
16 department, and what is often the case, the
17 department sends down the letter to the
18 component, and given that the decision is made
19 by the secretary, I recall Kathy and I and
20 others felt that this was a letter that the
21 secretary should sign in a response.

22 BY MR. CHRISTIAN:

1 Q. Okay. And so I direct you to the
2 first page here, the November 13, 2017, 10:44
3 a.m. message and this one is from -- I botched
4 his last name earlier, so from Brandon -- how
5 do you pronounce his last name?

6 A. Prelogar.

7 Q. Prelogar. Okay. And Mr. Prelogar,
8 if you look at the third paragraph, it says:
9 "KNK just ran off to head to the NAC for the
10 Haiti TPS meeting."

11 So KNK stands for?

12 MR. CHO: Object to the form.

13 BY MR. CHRISTIAN:

14 Q. To the best of your knowledge?

15 A. That is Katy's initials.

16 Q. Okay. And what is NAC?

17 MR. CHO: Same objection.

18 THE WITNESS: Those are initials for
19 headquarters of DHS.

20 BY MR. CHRISTIAN:

21 Q. And Haiti TPS meeting. Do you know,
22 what was the purpose of that meeting to the

1 best of your knowledge?

2 MR. CHO: Object to the form. Lacks
3 foundation. Calls for speculation.

4 But you can answer if you can.

5 THE WITNESS: To the best of my
6 recollection, it would have been the briefing
7 meeting with the secretary or the acting
8 secretary depending on the time frame.

9 BY MR. CHRISTIAN:

10 Q. So now this was November 13. Do you
11 have any recollection of whether a decision had
12 been made to terminate or extend TPS for Haiti
13 at that time?

14 MR. CHO: Object to the form. Also
15 object on the grounds that it seeks information
16 relating to internal government deliberations,
17 but the witness can answer.

18 THE WITNESS: I don't believe so
19 unless the decision was made later, later that
20 day. No decision that I was aware of had been
21 made before Kathy went to the NAC for that
22 meeting.

1 BY MR. CHRISTIAN:

2 Q. Do you have any knowledge of whether
3 that decision was made at that meeting?

4 MR. CHO: Object to the form. Calls
5 for speculation. Lacks foundation. And to the
6 extent it seeks information relating to
7 internal governmental deliberations, but the
8 witness can answer.

9 THE WITNESS: No, I don't know.

10 BY MR. CHRISTIAN:

11 Q. And did you attend the meeting?

12 A. I did not.

13 Q. Any knowledge about who did attend
14 the meeting other than Kathy and the secretary?

15 MR. CHO: Object to the form. Calls
16 for speculation. He just testified he wasn't
17 at the meeting but the witness can answer.

18 THE WITNESS: No. I wouldn't know
19 for certain who else was there.

20 BY MR. CHRISTIAN:

21 Q. Now I would like to redirect you to
22 Exhibit 96, what will be marked as Exhibit 96.

1 (Deposition Exhibit 96 was marked
2 for identification.)

3 MR. CHO: The government objects to
4 Exhibit 96 as well, on the grounds that it
5 appears to contain internal governmental
6 deliberations, but the witness can answer
7 questions about this exhibit which is numbered
8 DHS RFPD 5.

9 The government also objects to the
10 extent that this e-mail exchange does not
11 appear to relate to Haiti but to other Central
12 American countries including Honduras and
13 Nicaragua which is outside the scope of this
14 lawsuit and as counsel for plaintiffs indicated
15 yesterday, he would refrain from asking
16 questions relating to Honduras or El Salvador
17 or Nicaragua as being outside the scope of this
18 litigation.

19 With that caveat in mind, the
20 witness can answer questions about this
21 document.

22 THE WITNESS: I have read it.

1 BY MR. CHRISTIAN:

2 Q. So you have had a chance to look at
3 it. Do you recall seeing this document at any
4 time before? Have you seen this before?

5 A. Before today?

6 Q. Before today, yes, before I just --
7 before we just gave it to you.

8 A. I believe this has been -- at least
9 parts of it included in newspaper articles and
10 things of that sort.

11 Q. All right.

12 A. I didn't see it at the time that it
13 came out.

14 Q. All right. So if you -- the first
15 line, the first two lines are as follows: "I
16 had a discussions with Tom B this evening and
17 he informed me of a strategy I was not
18 previously aware of. I incorporated this new
19 information into my final decision and the
20 published time frame for the Nicaraguan
21 termination is 12 months not 18. Elaine."

22 First of all, do you know who Tom B

1 is?

2 MR. CHO: Objection.

3 Go ahead. Sorry.

4 THE WITNESS: No, I don't.

5 BY MR. CHRISTIAN:

6 Q. Do you know anything about the
7 decision to change the time frame to Nicaragua
8 termination from -- to 12 months from 18?

9 MR. CHO: Object to the form. Also
10 to the extent it relates to internal
11 governmental deliberations. I'd ask counsel to
12 rephrase the question.

13 Again, this is relating to Nicaragua
14 and not Haiti which is outside the scope of
15 this lawsuit.

16 And as we discussed with counsel
17 yesterday, he to limit his questions to Haiti
18 and this does not involve Haiti.

19 MR. CHRISTIAN: Did he limit his
20 questions?

21 MR. CHO: He did.

22 MR. CHRISTIAN: Can he answer the

1 question?

2 MR. CHO: You can answer if you
3 know.

4 THE WITNESS: No, I'm unaware of
5 that.

6 BY MR. CHRISTIAN:

7 Q. Okay. I'm going to now direct you
8 to what we're going to mark as Exhibit 89.

9 (Deposition Exhibit 89 was marked
10 for identification.)

11 MR. CHO: The government objects to
12 Exhibit 89 as well, on the grounds that this
13 e-mail exchange appears to contain internal
14 governmental deliberations, but the witness may
15 answer questions about this e-mail exchange.

16 BY MR. CHRISTIAN:

17 Q. So now you've had a chance to take a
18 look at it.

19 So do you recognize this document?

20 A. I mean, I don't specifically
21 recognize it, but I'm sure this is what came
22 across my desk at that particular time.

1 Q. Your name is listed as a recipient?

2 A. That's correct.

3 Q. If you take a look at the second
4 page, there is a message in the thread sent by
5 -- and the last name is spelled V-U.

6 Do you know how to pronounce this
7 individual's name?

8 A. I don't know this individual.

9 Q. So now I guess I will do my best.
10 So you don't -- you are not familiar with this
11 Hien Q. Vu, H-I-E-N, middle initial Q, last
12 name V-U?

13 A. I have never personally met this
14 person, I don't believe. I see that he or she
15 is part of the communications team, but I don't
16 have much direct interaction with those -- that
17 team.

18 Q. All right. So I'm going to look at
19 the e-mail that was sent on December 19, 2017,
20 at 3:01 p.m., and it's talking here, it says:
21 "As TPS Haiti FRN is projected to be published
22 soon (perhaps next week), I'd like to get the

1 communications package ready for public
2 distribution on the date of publication. Below
3 you will find the full package for your review
4 and clearance."

5 So do you recall receiving a package
6 of communications at that time?

7 MR. CHO: Object to the form.

8 You can answer.

9 THE WITNESS: I don't specifically
10 recall, but as a recipient of this e-mail at
11 the time, I'm certain I got it then.

12 BY MR. CHRISTIAN:

13 Q. All right. And so I'm going to go
14 -- I'm going to continue in reading the e-mail
15 and -- first of all, what I just read, were
16 there any mistakes that I made in reading the
17 e-mail to the record that you recall?

18 A. I think you read it correctly.

19 Q. Okay. So the next -- next sentence
20 is: "All materials are being repurposed almost
21 word for word from the recently approved TPS
22 Nicaragua roll out (TPS similarly terminated)."

1 So based upon your work on the Haiti
2 TPS termination or analysis, do you recall any
3 other -- well, let me put it this way. Let me
4 restate.

5 As you worked on the analysis for --
6 whether to terminate or extend TPS status for
7 Haiti, did you look to Nicaragua for documents,
8 for rationale, for other information?

9 MR. CHO: Object to the form. Also
10 object on the grounds that it seeks information
11 relating to internal governmental
12 deliberations, but the witness can answer based
13 on what he has in front of him, Exhibit 89.

14 THE WITNESS: I didn't look to
15 Nicaragua as it related to Haiti's decision
16 memo, it's possible that the Nicaragua decision
17 was also being worked on at the same time, but
18 it would have been compartmentalized to two
19 separate analyses.

20 BY MR. CHRISTIAN:

21 Q. Do you recall whether you received,
22 other than this e-mail, do you recall whether

1 you received information about the analysis
2 that went into the decision to terminate
3 Nicaragua's TPS --

4 MR. CHO: Object to the form.

5 Also --

6 BY MR. CHRISTIAN:

7 Q. -- status?

8 MR. CHO: Object on the grounds that
9 it seeks information relating to internal
10 governmental deliberations, and also object on
11 the grounds that it is beyond the scope of this
12 lawsuit which relates to Haiti.

13 The witness can answer if you can.

14 THE WITNESS: As I recall, the
15 deliberative process for Nicaragua was similar
16 to what was done in the deliberative process
17 for Haiti.

18 BY MR. CHRISTIAN:

19 Q. I'm going to provide to you what has
20 been marked as government -- not government, I
21 keep saying government, as Exhibit 20 -- I'm
22 sorry, 90. Yes, 90.

1 (Deposition Exhibit 90 was marked
2 for identification.)

3 BY MR. CHRISTIAN:

4 Q. I don't want you to -- before you
5 spend a lot of time looking at this, I just
6 want to ask you, before you start looking at
7 that, in the course of your duties and
8 responsibilities at USCIS, did you come to look
9 at the Federal Register document outlining the
10 rationale for terminating TPS for Nicaragua?

11 MR. CHO: Object to the form. Also
12 object on the grounds that this is beyond the
13 scope of this lawsuit but the witness can
14 answer.

15 THE WITNESS: Yes, similar to
16 reviewing decision memorandums, I reviewed the
17 draft Federal Register notice as announcing the
18 decision.

19 BY MR. CHRISTIAN:

20 Q. Do you -- you reviewed them before
21 they go out for, like, as an edit and correct,
22 or just to -- or just for informational

1 purposes?

2 MR. CHO: Object to the form to the
3 extent it seeks information relating to
4 internal governmental deliberations, but the
5 witness can answer.

6 THE WITNESS: I review them to
7 provide edits before -- there is a long process
8 of the director reviewing it, secretaries, goes
9 to OMB before publication of the Federal
10 Register, so I do review it.

11 BY MR. CHRISTIAN:

12 Q. All right. So then if you would --
13 if you want to take a few minutes to
14 familiarize yourself with this because it's
15 been a while.

16 A. With the Nicaragua one?

17 Q. Yes.

18 MR. CHO: Again, I'm going to object
19 because, again, this is dealing with Nicaragua
20 which is not the scope of this lawsuit. If
21 there are specific questions you want to ask
22 about the FRN, but I have given you some leeway

1 here but, one, this is a long FRN, which has
2 nothing to do with this case either, so I mean,
3 you can ask specific questions about this FRN,
4 but again, this is outside the scope of this
5 lawsuit and as I had discussed with plaintiffs'
6 counsel yesterday, he limited his questions to
7 Haiti.

8 MR. CHRISTIAN: One moment. Just
9 one minute.

10 MR. CHO: Take your time.

11 BY MR. CHRISTIAN:

12 Q. So what I am going to do is, we are
13 going to come back to this in a moment. But
14 what I will do here is turn to -- I'm going to
15 give you what is going to be marked as Exhibit
16 94.

17 (Deposition Exhibit 94 was marked
18 for identification.)

19 MR. CHO: The government objects to
20 Exhibit 94 on the grounds that it appears to
21 contain internal governmental deliberations and
22 it's also Bates-numbered on the first page, DPP

1 11793.

2 The witness can testify to what is
3 contained in this e-mail, but again, the
4 government raises that objection.

5 BY MR. CHRISTIAN:

6 Q. So you have had a chance to review
7 the document.

8 So with Exhibit 94 here -- do you
9 recognize it first of all?

10 A. Not specifically, but I have seen
11 that I was included at the top of the thread.
12 I'm certain I received it.

13 Q. Who is James Phillips?

14 A. I don't know off the top of my head,
15 but I can see that he is identified as a
16 director in the legislative affairs office.

17 Q. And if you look at the e-mail sent
18 Tuesday, October 24, 2017, at 1:49 p.m., by
19 James Phillips, it asks -- it includes the
20 following: "Do you have the latest cleared DHS
21 talking points that we can insert into a memo
22 for S1 nominee's meeting with Grassley for the

1 following issues," and then -- and I am
2 skipping something.

3 The third bullet under that is:
4 "Ending TPS for Haitians, Guatemalans, and
5 Salvadorans."

6 And that was -- so on October 24,
7 were you familiar with -- that a decision had
8 been made to end TPS for Haitians?

9 MR. CHO: Objection to form. Also
10 object on the grounds that it seeks information
11 relating to internal governmental
12 deliberations.

13 The witness can answer.

14 THE WITNESS: I don't recall the
15 date that I was informed that the acting
16 secretary had made a decision, but it doesn't
17 sound like that is correct.

18 BY MR. CHRISTIAN:

19 Q. Based on your responsibilities and
20 duties and experiences at USCIS, do you have
21 any understanding of why the director of
22 legislative affairs for DHS would have -- would

1 want talking points about ending TPS for Haiti
2 and the other countries?

3 MR. CHO: Object to the form. The
4 document speaks for itself and again, object on
5 the grounds that it seeks information relating
6 to internal governmental deliberations, but the
7 witness can answer.

8 THE WITNESS: Specifically, I don't
9 know, but I would point out that Guatemala has
10 never been designated for TPS, so perhaps it
11 would be indicative that this individual is not
12 that familiar with TPS.

13 BY MR. CHRISTIAN:

14 Q. Okay. So at the -- one of the
15 things -- so has El Salvador been designated
16 for TPS; is that correct?

17 A. Yes, that's correct.

18 Q. And do you -- are you familiar with
19 the review period -- when the review period
20 started for El Salvador?

21 MR. CHO: Objection to form.

22 The witness can answer.

1 THE WITNESS: The initial
2 designation or the most recent determination?

3 BY MR. CHRISTIAN:

4 Q. I guess what I'm talking about is
5 the relevant review period at the time of this
6 e-mail, so October of 2017.

7 MR. CHO: Object to the form.

8 The witness can answer if he can.

9 THE WITNESS: I don't know when the
10 review period began for El Salvador. There is,
11 as we discussed previously, a decision has to
12 be made at least 60 days before the preceding
13 designation but there is nothing that would
14 preclude a decision from being made earlier
15 than that 60-day deadline.

16 BY MR. CHRISTIAN:

17 Q. So you don't know whether a decision
18 had been made at the time of this e-mail?

19 MR. CHO: Object to the form on the
20 ground that it seeks information relating to
21 internal governmental deliberations.

22 The witness can answer based on your

1 own personal knowledge.

2 THE WITNESS: From what I recall,
3 the El Salvador decision was still being worked
4 on at that time so I don't believe a decision
5 had been made as far as I was aware.

6 BY MR. CHRISTIAN:

7 Q. Now, I'm going to provide to you
8 what's been marked as Exhibit 75. It is quite
9 a document.

10 (Deposition Exhibit 75 was marked
11 for identification.)

12 MR. CHO: Yeah, we're not going to
13 staple that one.

14 Do you want to take a short break
15 before we get to that exhibit?

16 MR. CHRISTIAN: I'm going to want to
17 take one in about 30 minutes, so I'm going to
18 need to take one in about 30 minutes.

19 MR. CHO: How are you doing?

20 THE VIDEOGRAPHER: Okay.

21 MR. CHO: How about you?

22 THE WITNESS: Okay.

1 BY MR. CHRISTIAN:

2 Q. So before you get into that -- I
3 certainly don't want to start the process of
4 you going through that whole thing page by
5 page.

6 A. Yes.

7 MR. CHO: Actually, could we get a
8 copy, too?

9 MR. CHRISTIAN: Absolutely.

10 MR. CHO: Thank you.

11 BY MR. CHRISTIAN:

12 Q. So I have an initial question before
13 we turn to Exhibit 75, and that's, what is your
14 understanding based on your year and couple
15 months at USCIS of the -- of how TPS fits into
16 the administration's immigration priorities?

17 MR. CHO: Object to the form and
18 object on the grounds that seeks information
19 relating to internal governmental
20 deliberations. Vague. Overbroad. Calls for
21 speculation.

22 But the witness can answer based on

1 your own personal knowledge.

2 THE WITNESS: My understanding of
3 the administration just believes in upholding
4 the rule of law as it has been passed by a
5 duly-elected Congress.

6 BY MR. CHRISTIAN:

7 Q. And that is based on your experience
8 and your observations?

9 MR. CHO: Object to the form. Same
10 objection as before.

11 You can answer.

12 THE WITNESS: Yeah, I guess so, yes.

13 BY MR. CHRISTIAN:

14 Q. Has anyone in the administration
15 briefed you about how TPS fits into the
16 administration of immigration priorities?

17 MR. CHO: Object to the form.
18 Object also on the grounds that seeks
19 information relating to internal governmental
20 deliberations, vague, overbroad.

21 The witness can answer to the best
22 he can.

1 THE WITNESS: Can you clarify about
2 how -- what you mean by fits into?

3 BY MR. CHRISTIAN:

4 Q. Okay. Let me rephrase it.

5 What priorities for TPS do you
6 understand the administration to have?

7 MR. CHO: Object to the form. Also
8 object on the basis that the request asks for
9 information relating to internal governmental
10 deliberations, vague, and I'm not quite sure
11 what you mean by the term administration.

12 The witness can answer if you
13 understand the question.

14 THE WITNESS: Do you mean the White
15 House, do you mean the secretary? TPS
16 decisions are made by the secretary.

17 BY MR. CHRISTIAN:

18 Q. Okay. Let's break it down. The
19 White House. Have you received any information
20 about the priorities of the White House for
21 TPS?

22 MR. CHO: Object to the form.

1 Object on the grounds that it seeks information
2 relating to internal governmental
3 deliberations. Not limited to any specific
4 time period. Also to the extent it implicates
5 the government deliberations privilege, that
6 information is privileged as well.

7 But the witness can answer as best
8 you can.

9 THE WITNESS: I don't recall
10 anything specific other than our obligation to
11 review as the decisions become -- come ripe for
12 review.

13 BY MR. CHRISTIAN:

14 Q. Since you've been in your current
15 role at USCIS, have you received any
16 information about priorities for TPS from
17 within DHS?

18 MR. CHO: Same objection as before.
19 Object on the grounds that the question is
20 vague, overbroad. Also object on the grounds
21 that it seeks information relating to internal
22 government deliberations. Not bracketed by any

1 specific time period.

2 But the witness can answer as best
3 you can.

4 THE WITNESS: To the best of my
5 knowledge, the expectation is to review the
6 country conditions as the various countries are
7 subject to -- to being reviewed and ensure that
8 decision is made in compliance with the
9 statute.

10 BY MR. CHRISTIAN:

11 Q. Okay. Who is Donald Neufeld?

12 A. He is the associate director of the
13 head of the service centers. In the prior
14 example, SCOPS was identified as an
15 abbreviation. He -- he's the head of -- of
16 SCOPS.

17 Q. Okay. Would you please take a --
18 turn to Page 70 of the deposition -- of -- of
19 Exhibit 75.

20 A. Was that 70?

21 Q. 70, yes.

22 If you look at -- start reading at

1 say Line 10 on Page 70. And if you've gotten
2 past the -- the bottom of the page, I -- I have
3 a couple of questions for you.

4 A. The bottom of Page 70?

5 Q. Yes. That's right.

6 A. I've -- I've completed --

7 Q. Okay. So --

8 A. -- Page 70.

9 Q. -- who's the chief of the office of
10 policy and strategy?

11 MR. CHO: Object to form.

12 Do you want to bracket it within a
13 certain time period?

14 BY MR. CHRISTIAN:

15 Q. During your time at USCIS, who has
16 been in the role of chief of the office of
17 policy and strategy?

18 A. Kathy Nuebel Kovarik.

19 Q. And have you received any
20 information from her about priorities with
21 respect to TPS?

22 MR. CHO: Object to the form.

1 Object to the form on the grounds that it seeks
2 information relating to internal governmental
3 deliberations.

4 With that caveat in mind, the
5 witness can answer.

6 THE WITNESS: I don't understand
7 what you mean by "priorities." If you could
8 rephrase that, I'd appreciate it.

9 BY MR. CHRISTIAN:

10 Q. When you were at FAIR, you would
11 produce documents that included legislative
12 priorities, correct?

13 MR. CHO: Object to the form.

14 The witness can answer.

15 THE WITNESS: There was a
16 congressional agenda that was published for
17 each new congress, yes.

18 BY MR. CHRISTIAN:

19 Q. And the different items that -- that
20 made up that agenda, would you -- would it be
21 appropriate to call them priorities, or how
22 would -- if not, how would you describe them?

1 MR. CHO: Object to the form.

2 THE WITNESS: I -- I'd say they were
3 probably priorities for what the organization
4 would advocate for seeing enacted.

5 BY MR. CHRISTIAN:

6 Q. Okay. So taking that definition of
7 priorities, so what would be the priorities for
8 the direction of make TPS analysis within the
9 administration? What priorities have been
10 communicated to you?

11 MR. CHO: Object to the form.

12 Vague. Also object on the grounds that it
13 seeks information relating to internal
14 governmental deliberations.

15 Do you want to rephrase the question
16 or...

17 MR. CHRISTIAN: I was giving the
18 definition of "priorities." So I think -- I
19 think I -- I made it clear.

20 BY MR. CHRISTIAN:

21 Q. So if you look at lines 12 through
22 15 on -- or say 12 through 17 on Page 70.

1 And the question is: "If you wanted
2 to know how does TPS fit in with an
3 administration's priorities, who would you go
4 talk to?"

5 And the answer is: "The chief of
6 the office of policy and strategy."

7 And so what I'm asking you is have
8 you received any information about the
9 administration's priorities that came from the
10 chief of the office of policy and strategy or
11 anyone else this the administration?

12 MR. CHO: Object to the form.
13 Object on the grounds that the question seeks
14 information relating to internal governmental
15 deliberations.

16 I do want to note that this was a
17 transcript from another lawsuit where Neufeld
18 was a 30(b)(6) witness, a lawsuit that involved
19 other countries other than just Haiti.

20 But the witness may answer if you
21 are able to.

22 THE WITNESS: To the best of my

1 recollection, the only thing that was conveyed
2 to me was the need to do periodic review as
3 required by the statute and look at the
4 statutory requirements in advising the director
5 in the decision making process.

6 MR. CHRISTIAN: One moment.

7 Can we -- we'd like to go to -- to
8 Exhibit 72 for a moment.

9 MR. CHO: Are we done with 75?

10 MR. CHRISTIAN: Yes.

11 MR. CHO: All right.

12 THE WITNESS: What was the exhibit
13 number?

14 MR. CHRISTIAN: Exhibit No. 72.

15 MR. CHO: This one.

16 BY MR. CHRISTIAN:

17 Q. Okay. If you'd turn to Page 9,
18 please. The -- the bullet at the bottom of the
19 page, which reads: "Reform or eliminate
20 immigration programs with notably high rates of
21 fraud and abuse."

22 And it mentions that among those is

1 TPS.

2 So tell me about from where do you
3 -- how did you determine that that program has
4 a high rate of fraud and abuse?

5 MR. CHO: Object to the form. This
6 is a document that was put out by an
7 organization.

8 You can ask him questions about his
9 own -- what he knows personally. But again,
10 this is a brochure that was submitted. So I'm
11 not quite sure --

12 MR. CHRISTIAN: Well, I believe --

13 MR. CHO: -- what the question is
14 asking.

15 MR. CHRISTIAN: -- Mr. Law testified
16 earlier that he actually reviewed this and
17 edited this before it was finalized. So he had
18 a role in this production.

19 MR. CHO: Okay. Maybe -- perhaps
20 rephrase your question. Object to the form.

21 BY MR. CHRISTIAN:

22 Q. So what I'd like to know is, based

1 upon your role in developing this -- this
2 document, what information did you find to
3 substantiate the idea that the TPS program has
4 a high rate of fraud and abuse?

5 MR. CHO: Object to the form.

6 The witness can answer.

7 THE WITNESS: I don't recall
8 anything specific. And I don't recall being
9 the author of that particular bullet point.

10 BY MR. CHRISTIAN:

11 Q. So you weren't the author, but you
12 were just the editor of that bullet point?

13 MR. CHO: Object to the form.

14 THE WITNESS: I would have reviewed
15 this before it was published, yes.

16 BY MR. CHRISTIAN:

17 Q. And so as we look at that -- and
18 that's a -- that's -- you know, earlier when
19 the question came up what I meant by
20 priorities, the goal is to reform in -- in this
21 document to reform TPS or eliminate it.

22 When you -- since you started at the

1 government at USCIS in October of 2017, have
2 you come across any expressions within the
3 government of a similar priority to reduce or
4 eliminate TPS?

5 MR. CHO: Object to the form.
6 Mischaracterizes what was set forth in this
7 document. Again, also objection on the grounds
8 that it seeks information relating to internal
9 governmental deliberations.

10 The witness may answer.

11 THE WITNESS: Just to clarify.
12 Exhibit 72 are recommendations to congress.
13 The statute was created by congress. So
14 congress is the proper channel to make any
15 amendments or eliminations of programs. So
16 just to make sure we understand what the scope
17 of that document is, which is -- which is
18 different than doing something in the executive
19 branch.

20 BY MR. CHRISTIAN:

21 Q. Good point.

22 So -- so let's -- let's turn then,

1 now that you mention that, to -- to document --
2 Exhibit 97. Because this one -- take a look at
3 it.

4 Now, let's look at the -- first of
5 all, this is for the -- am I correct that this
6 is for the presidential transition, Exhibit 97?

7 A. Yes. That's correct.

8 Q. Okay. So let's turn to Page 15, the
9 bottom of Page 15, going on to 16.

10 So this is not -- so just to be
11 clear, this document is not meant for congress
12 to enact legislation; this is meant for the
13 executive branch of government, correct?

14 MR. CHO: Object to the form.

15 THE WITNESS: This would appear to
16 be directed to the administration. Although I
17 do believe there are points where it recommends
18 that the administration asks congress to do
19 something.

20 But the primary goal, as I recall,
21 was things that the executive branch could do.

22 BY MR. CHRISTIAN:

1 Q. Okay. So let's look at the last
2 bullet on Page 15, starting with the second
3 sentence of that bullet: "The secretary of
4 homeland security must revoke TPS for any
5 country that has received more than two
6 renewals."

7 Did I read that sentence correctly?

8 MR. CHO: Object to the form. The
9 document speaks for itself.

10 I think we covered this already this
11 morning.

12 MR. CHRISTIAN: Right. But we
13 covered it, and we didn't get a straight -- we
14 didn't make the quite distinction between
15 congress and the -- and the administration.

16 So Mr. Law made a point where he
17 made a clear distinction. And so I would like
18 to -- to follow up on that at this point in
19 time.

20 BY MR. CHRISTIAN:

21 Q. And so -- so this -- this is a
22 priority from the perspective of FAIR for the

1 new administration; is that correct?

2 MR. CHO: Object to the form.

3 THE WITNESS: Yes.

4 BY MR. CHRISTIAN:

5 Q. During your time since you started
6 at USCIS, have you found -- have any priorities
7 restricting the number of renewals of TPS been
8 discussed with you?

9 MR. CHO: Object to the form.
10 Object on the grounds that it seeks information
11 relating to internal governmental
12 deliberations.

13 To the extent the question is
14 involving something raised in Exhibit 97, the
15 witness may testify to that.

16 You can -- you can answer the
17 question if you can.

18 THE WITNESS: No. I don't recall
19 any specific conversations about a numerical
20 limit.

21 BY MR. CHRISTIAN:

22 Q. How about discussions about other

1 types of limits, nonnumerical?

2 MR. CHO: Object to the form.

3 Object on the grounds that it seeks information
4 relating to internal governmental
5 deliberations.

6 But the witness may answer.

7 THE WITNESS: Do you mean
8 nonnumerical -- are you talking about TPS still
9 or...

10 BY MR. CHRISTIAN:

11 Q. Yes. TPS. I'm sorry.

12 Yes. TPS. Something other than num
13 -- other than a hard number, say two.

14 MR. CHO: Same objection. And
15 object on the grounds that it seeks information
16 relating to internal governmental
17 deliberations, not limited to Haiti as well.

18 The witness may answer.

19 THE WITNESS: From my recollection,
20 every conversation about TPS has been reviewing
21 the country conditions in the periodic fashion
22 that's required and doing the necessary

1 analysis and making the determinations.

2 BY MR. CHRISTIAN:

3 Q. Since you've been at USCIS, have you
4 been in communications at all with FAIR about
5 policy matters?

6 MR. CHO: Object to the form.

7 The witness may answer.

8 THE WITNESS: Could you clarify what
9 you mean by "policy matters"?

10 BY MR. CHRISTIAN:

11 Q. About TPS. About ways to reform or
12 change TPS.

13 MR. CHO: Object to the form.

14 THE WITNESS: I have not had any
15 conversations with FAIR about TPS since joining
16 the administration.

17 BY MR. CHRISTIAN:

18 Q. Any communications with the Center
19 For Immigration Studies since you joined the
20 administration?

21 MR. CHO: Object to the form.

22 THE WITNESS: Do you mean in general

1 or about TPS?

2 BY MR. CHRISTIAN:

3 Q. About TPS?

4 MR. CHO: Same objection.

5 THE WITNESS: I do not recall having
6 any conversations about TPS with anyone from
7 the Center For Immigration studies since
8 joining USCIS.

9 BY MR. CHRISTIAN:

10 Q. With NumbersUSA?

11 MR. CHO: Object to the form.

12 THE WITNESS: And we're still
13 talking about --

14 BY MR. CHRISTIAN:

15 Q. About TPS, yes.

16 A. I do not recall having specific
17 conversations with anyone from NumbersUSA about
18 TPS since joining USCIS.

19 Q. Who is Mark Krikorian?

20 A. He's the executive director of the
21 Center For Immigration Studies.

22 Q. Have you had communications with him

1 since you've been at USCIS?

2 MR. CHO: Object to the form.

3 THE WITNESS: About TPS?

4 BY MR. CHRISTIAN:

5 Q. Oh, I'm sorry.

6 Ill ask broadly. In general.

7 MR. CHO: Object to the form.

8 THE WITNESS: Yes. I've had

9 conversations with Mark Krikorian since joining

10 USCIS.

11 BY MR. CHRISTIAN:

12 Q. About immigration policy?

13 MR. CHO: Object to the form.

14 THE WITNESS: What to you mean by

15 "immigration policy"?

16 BY MR. CHRISTIAN:

17 Q. About any actions that the

18 administration might take in relation to

19 immigration.

20 MR. CHO: Object to the form.

21 THE WITNESS: Yes. I believe so.

22 BY MR. CHRISTIAN:

1 Q. And so I'm going to back up now.

2 So during your time at USCIS, have
3 you had communications with NumbersUSA about
4 any immigration policy or actions?

5 MR. CHO: Object to the form.

6 THE WITNESS: I -- yes. I believe I
7 have.

8 BY MR. CHRISTIAN:

9 Q. And since you've been at USCIS, have
10 you had communications USCI -- with FAIR,
11 rather, about any policy or actions with
12 respect to immigration?

13 MR. CHO: Object to the form.

14 THE WITNESS: Yes. I believe I
15 have.

16 BY MR. CHRISTIAN:

17 Q. How many communications or meetings
18 would you say you've had with representatives
19 of FAIR about immigration since you've been at
20 USCIS?

21 MR. CHO: Object to the form.

22 Mischaracterizes his prior testimony.

1 You may answer.

2 THE WITNESS: I don't believe I've
3 had any meetings. I may have had the
4 occasional interaction, a handful. Very few.

5 BY MR. CHRISTIAN:

6 Q. And with Center For Immigration
7 Studies, how many meetings or communications
8 about immigration policy or interaction?

9 MR. CHO: Object to the form.

10 THE WITNESS: Similar. A handful of
11 times.

12 BY MR. CHRISTIAN:

13 Q. And with NumbersUSA, same question?

14 MR. CHO: Same objection.

15 THE WITNESS: Same response.

16 BY MR. CHRISTIAN:

17 Q. Now, who's David North?

18 A. David North, I believe his title is
19 senior fellow. He works at Center For
20 Immigration Studies.

21 Q. And would some of those
22 communications with Center For Immigration

1 Studies have been with Mr. North?

2 A. I did attend a meeting that he
3 had -- that he was present at, yes.

4 MR. CHRISTIAN: So what I'd like to
5 do here is get back to what -- we were having a
6 -- had a few questions about -- about Haiti and
7 I believe Nicaragua moments ago.

8 And so -- okay. So let's get the
9 two exhibits together here.

10 So we all -- have the one for
11 Nicaragua. That's...

12 Okay. So I have given you -- do you
13 have Exhibit 90?

14 MR. CHO: Yes, we do.

15 MR. CHRISTIAN: Okay. So Exhibit
16 90. And then we would like to -- we're going
17 to provide for you Exhibit No. 92.

18 (Deposition Exhibit 92 was marked
19 for identification.)

20 BY MR. CHRISTIAN:

21 Q. Okay. So do you recognize Exhibit
22 No. 92?

1 A. Yes, I do.

2 Q. And what is that?

3 A. It's the Federal Register notice
4 announcing the termination of TPS for Haiti.

5 Q. All right. Okay. So if you turn to
6 Page 59637 of Exhibit 90 -- is that right?
7 Yes -- and Page 2650 of 92. Right.

8 And so we're going to start looking
9 at -- at Nicaragua. There is a question in the
10 second column: "Why is the secretary
11 terminating TPS designation for Nicaragua?"

12 Have you found that?

13 A. Yes, I have.

14 Q. Okay. And on -- on the -- on
15 Exhibit 92 on that page where we have a similar
16 heading "Why is the secretary terminating TPS
17 designation for Haiti?"

18 Have you found that one?

19 A. Yes.

20 Q. Okay. So as we look at -- right.

21 Take a moment to read that section
22 for Nicaragua, and then read the corresponding

1 section for Haiti.

2 MR. CHO: It might help you direct
3 him by asking him the question that you're
4 going to ask him after he reads it --

5 MR. CHRISTIAN: Oh.

6 MR. CHO: -- so he knows what he's
7 reading it for.

8 MR. CHRISTIAN: Right.

9 So earlier we -- we reviewed an
10 e-mail -- I believe it was Exhibit No. 89 --
11 which talked about repurposing language from
12 Nicaragua to discuss Haiti.

13 And so what I want to ask him is
14 about similarities in language between these
15 two rationales, which are the --

16 BY MR. CHRISTIAN:

17 Q. And I'll ask you.

18 The decision for Haiti was a
19 separate decision determination than the one
20 for Nicaragua, correct?

21 A. Correct.

22 Q. And so I just want to make sure I

1 understand the -- the distinctions between the
2 analyses and the similarities between to the
3 extent you're familiar with them.

4 So --

5 MR. CHO: So maybe ask him the
6 question. Because the documents do speak for
7 themselves. I mean --

8 MR. CHRISTIAN: Yes.

9 MR. CHO: -- you've pointed him --

10 MR. CHRISTIAN: Yes, yes, yes.

11 MR. CHO: -- to specific language --

12 MR. CHRISTIAN: They do.

13 MR. CHO: -- that you want him --

14 MR. CHRISTIAN: Yes, yes. They do.

15 MR. CHO: -- to refer to.

16 MR. CHRISTIAN: Okay.

17 BY MR. CHRISTIAN:

18 Q. Looking at -- okay.

19 So in talking about terms of talking
20 about Nicaragua, it says: "Nicaragua received
21 a significant amount of internal assistance,
22 aid to assist its Hurricane Mitch-related

1 recovery efforts, and many reconstruction
2 projects have been completed. Hundreds of
3 homes destroyed by the storm have been rebuilt.
4 The government of Nicaragua has been working to
5 improve access to remote communicates and has
6 built new roads in many of the areas affected
7 by Hurricane Mitch, including" paved -- "the
8 first paved roads to connect the Pacific side
9 of the country to the Caribbean coast, which is
10 nearly completed. Access to drinking water and
11 sanitation have improved. Electrification of
12 the" company has -- "country has increased from
13 50 of the country in 2007 to 90 percent day.
14 Nearly 1.5 million textbooks have been provided
15 to 225,000 primary students of the poorest
16 regions of the country. Internet access is now
17 widely available."

18 And that's -- that's for -- for
19 Nicaragua.

20 In terms of talking about Haiti, the
21 language talks -- okay -- about successful
22 completion of a presidential election,

1 earthquake destroying the infrastructure being
2 -- working to rebuild it, Supreme Court
3 reconstructed, a palace being...

4 Was the Nicaragua analysis used as a
5 template for Haiti?

6 MR. CHO: Object to the form.
7 Object on the grounds that it seeks information
8 relating to internal government deliberations.

9 The witness may answer within the
10 confines of those objections.

11 THE WITNESS: I would say no by just
12 my understanding of template because they were
13 designated under different prongs of the TPS
14 statute. So the analysis was different.

15 BY MR. CHRISTIAN:

16 Q. And so the similarities that were --
17 so the e-mail that -- or the -- the e-mail
18 which mentioned in -- in Exhibit 89 repurposing
19 the language --

20 MS. MURPHY: Word for word.

21 MR. CHRISTIAN: Yes.

22 Q. Repurposing the language word for

1 word did not indicate that it was used for a --
2 as a template for Haiti, Nicaragua, that is?

3 MR. CHO: Object to the form.
4 Mischaracterizes prior testimony.

5 The witness can answer if you
6 understand the question.

7 THE WITNESS: I'm going to have to
8 go back to look at that --

9 MR. CHRISTIAN: Okay. Let's look at
10 it now.

11 THE WITNESS: -- exhibit. Because
12 I'm pretty certain that wasn't an e-mail that I
13 had drafted.

14 MR. CHRISTIAN: Okay.

15 THE WITNESS: So I can't speculate
16 as to what somebody else was thinking.

17 MR. CHRISTIAN: Sure. This wasn't
18 -- you did not draft this one.

19 Second page of Exhibit 89.

20 THE WITNESS: To the best of my
21 understanding of -- of your question, the --
22 the contents of -- of the e-mail, Exhibit 89,

1 are -- are different materials --

2 MR. CHRISTIAN: Uh-huh.

3 THE WITNESS: -- than what we're
4 currently looking at as exhibits 90 and -- and
5 92.

6 The -- the e-mail that you reference
7 in Exhibit 89, those are, you know, what goes
8 on the web site and -- and things of that
9 nature. So I don't know -- I don't believe
10 that that material was as detailed.

11 So again, I can't speculate as to
12 what this individual, you know, meant by that.
13 But those materials are not Federal Register
14 Notices.

15 BY MR. CHRISTIAN:

16 Q. Okay. So -- so --

17 MR. CHO: Object to the form, if I
18 hadn't objected.

19 But go ahead.

20 BY MR. CHRISTIAN:

21 Q. Based on your -- your experience in
22 the TPS process -- analysis process of -- of

1 Haiti and other countries, what, if any,
2 information do you have about the -- using the
3 analysis for Nicaragua as a template for -- for
4 Haiti?

5 MR. CHO: Object to the form.
6 Object on the grounds that it seeks, again,
7 information relating to internal government
8 deliberations.

9 The witness may answer.

10 THE WITNESS: To the best of my
11 knowledge, there was no repurposing of the
12 analysis of one country for another country.

13 BY MR. CHRISTIAN:

14 Q. And what if -- what in your -- what
15 if any information do you have about
16 repurposing of the explanation of the decision
17 from Nicaragua to explain Haiti?

18 MR. CHO: Object to the form. Again
19 object on the grounds that it again seeks
20 information relating to internal governmental
21 deliberations, but the witness can answer.

22 THE WITNESS: I have no idea. I

1 would have to look at all these various public
2 communications materials to see the granularity
3 of what they were discussing.

4 MR. CHRISTIAN: Well, I think now
5 maybe would be a good time to take a break.

6 MR. CHO: Okay. All right.

7 THE VIDEOGRAPHER: Going off the
8 record at 3:02.

9 (A short recess was taken.)

10 THE VIDEOGRAPHER: We are back on
11 the record at 3:17.

12 BY MR. CHRISTIAN:

13 Q. Mr. Law, we're now coming back from
14 break, and, you know, you are still under oath.

15 Are you ready to continue?

16 A. Yes.

17 Q. Thank you. So I would like to talk
18 a little bit more about FAIR.

19 During the course of your time
20 there, you may have heard that not everyone has
21 a very positive view of the organization, let's
22 just say.

1 Are you familiar with the fact that
2 the Southern Poverty Law Center has designated
3 FAIR as an extremist group?

4 MR. CHO: Object to the form.

5 You can answer.

6 THE WITNESS: I'm aware of the SPLC
7 smear against FAIR, yes.

8 BY MR. CHRISTIAN:

9 Q. And so what I'm going to do is
10 provide for you Exhibit 73.

11 (Deposition Exhibit 73 was marked
12 for identification.)

13 BY MR. CHRISTIAN:

14 Q. So have you ever seen this document
15 that I've provided to you, Exhibit 73?

16 So you looked up -- for the record,
17 you looked up -- are you familiar with this
18 document at all, Exhibit 73?

19 A. I have seen some iteration of this
20 at some point in time.

21 Q. What I would like to do is, we're
22 not going to go through the entire document,

1 but I would like you to turn to the -- what
2 would be the second page of Exhibit 73, and I
3 believe earlier you testified that Mr. John
4 Tanton was a founder of FAIR?

5 A. I believe I said he is at least one
6 of the founders. I don't know if he was the
7 only or if there's others.

8 Q. And so I'm going to go through,
9 below the heading, in his own words. There are
10 a few different quotes attributed to Mr.
11 Tanton.

12 I'm going to read the first one,
13 which is: "As whites see their power control
14 over their lives declining, will they simply go
15 quietly into the night or will there be an
16 explosion."

17 Are you familiar with that
18 quotation?

19 MR. CHO: Object to the form. The
20 document speaks for itself.

21 You can answer.

22 THE WITNESS: To the extent that

1 it's been included in this type of material,
2 yes, I have never seen the larger context that
3 it was written in.

4 BY MR. CHRISTIAN:

5 Q. Were you familiar with that
6 quotation when you began your time at FAIR?

7 A. That specific, no, I was aware of
8 the SPLC smear but I was not aware of this
9 specific quote.

10 Q. So at the time you began working
11 with FAIR, you were aware that that were
12 certain quotations attributed to Mr. Tanton?

13 MR. CHO: Object to the form.
14 Mischaracterizes prior testimony.

15 The witness may answer.

16 THE WITNESS: No, I wasn't aware of
17 quotations. I said I was aware of the SPLC
18 smear against the organization.

19 BY MR. CHRISTIAN:

20 Q. Okay, so what I'll do is, I will
21 make sure I understand. When you say SPLC
22 smear, what are you saying? I want to make

1 sure I understand what you mean when you say
2 smear.

3 MR. CHO: Object to the form.

4 You may answer.

5 THE WITNESS: The unfounded
6 designation that has been labeled unilaterally
7 by SPLC against FAIR and other organizations.

8 BY MR. CHRISTIAN:

9 Q. Okay. So the quotation I read to
10 you moments ago about -- that have been
11 attributed to Mr. Tanton, and you did say that
12 you haven't seen the context in which this was
13 -- in which this may have been taken.

14 Do you have any thoughts about that
15 quotation mark when you read it, when you hear
16 it, when you read it? Do you have an opinion
17 about it?

18 MR. CHO: Objection to form. He is
19 not here as an expert witness. He is here as a
20 fact witness to testify to work he did at USCIS
21 starting October 2017.

22 The witness may answer the question

1 but I'm not sure where this line of inquiry is
2 going.

3 You can answer if you can.

4 THE WITNESS: What I can say is that
5 a statement like that, again, without the
6 absence of larger context is not reflective of
7 my thoughts and it's not reflective of anything
8 that is publicly posted on FAIR's website as to
9 what they advocate for in our immigration
10 debate.

11 BY MR. CHRISTIAN:

12 Q. And you -- without me having to read
13 all these quotes, there are other quotes
14 beneath that in its own words and above
15 background, have you had a chance to like at
16 them during the course of reviewing the
17 document during this session?

18 A. I'm currently looking at them, yes.

19 Q. I will give you a moment to look at
20 them.

21 So now you've looked up, which I am
22 interpreting as you finished taking a look at

1 the statements.

2 So whether taken out of context or
3 not, during the course of your time with FAIR,
4 did you come across colleagues espousing these
5 types of beliefs in the workplace?

6 MR. CHO: Object to the form.

7 MR. CHRISTIAN: I can be more
8 specific if you would like. I can read
9 specific quotes and whatnot if you prefer.

10 MR. CHO: Well, these are not quotes
11 that this witness has made.

12 MR. CHRISTIAN: Absolutely.
13 Absolutely. I have follow-up questions. You
14 will understand where I am heading.

15 MR. CHO: So perhaps you can ask
16 more specific questions as opposed to these
17 broad questions about what his other co-workers
18 said where he worked at before.

19 BY MR. CHRISTIAN:

20 Q. When you were at FAIR, did you have
21 an understanding that FAIR's mission in any way
22 involved promotion of one race over the other

1 in terms of United States population?

2 MR. CHO: Objection to form.

3 You can answer if you can.

4 THE WITNESS: Absolutely not.

5 BY MR. CHRISTIAN:

6 Q. Did people discuss some of the views
7 allegedly expressed by Mr. Tanton, such as the
8 ones listed here, during your time at FAIR?

9 MR. CHO: Objection to form. Vague.

10 You can answer if you can.

11 THE WITNESS: Can you be more
12 specific --

13 BY MR. CHRISTIAN:

14 Q. Yeah. Okay.

15 A. -- about discussing?

16 Q. Sure. So I'm going to just go -- so
17 one of the quotes here is: "Do we leave it to
18 individuals to decide that they are the
19 intelligent ones who should have more kids and
20 more troublesome, what about the less
21 intelligent who logically should have less.
22 Who is going to break the bad news" and in

1 brackets "to let them tell the individuals and
2 how will it be implemented."

3 Did you hear anyone espousing
4 beliefs that FAIR had a mission to promote
5 certain groups of people to reproduce and
6 others not to reproduce?

7 MR. CHO: Objection to form.

8 This goes far afield from Haiti TPS,
9 but you can answer if you can.

10 THE WITNESS: No, I never heard such
11 considerations.

12 BY MR. CHRISTIAN:

13 Q. And if you had heard such
14 conversations during the course of your time at
15 FAIR, might it have affected your interest in
16 being an employee there?

17 MR. CHO: Object to the form. Calls
18 for speculation. He testified he did not hear
19 such comments being made.

20 The witness may answer.

21 THE WITNESS: It's a hypothetical
22 scenario because I didn't hear it, but I have

1 trouble with those types of comments being
2 made.

3 BY MR. CHRISTIAN:

4 Q. Fair enough. I'm not going to -- I
5 will not belabor the point.

6 So when it came time when you were
7 interviewing for the job at USCIS, did anyone
8 ask you about your affiliation with FAIR,
9 express any concerns?

10 MR. CHO: Object to the form.

11 THE WITNESS: I was asked, of
12 course, about my affiliation with FAIR because
13 that was my present employer at the time.

14 BY MR. CHRISTIAN:

15 Q. Okay. Did anyone express any
16 concern about the views of FAIR during your
17 interview process?

18 MR. CHO: Object to the form.

19 THE WITNESS: No.

20 MR. CHRISTIAN: One moment. I want
21 to take just a quick five-minute break to
22 discuss.

1 MR. CHO: Sure. Take your time.

2 MR. CHRISTIAN: All right?

3 Appreciate it.

4 THE VIDEOGRAPHER: We are going off
5 the record at 3:29.

6 (A short recess was taken.)

7 THE VIDEOGRAPHER: We are back on
8 the record at 3:31.

9 MR. CHRISTIAN: Mr. Law, we have
10 obviously been here several hours today and
11 talked about a lot of different topics.

12 Is there anything that you would
13 like to add to anything we have asked you
14 today, any other information you recall that
15 you couldn't recall earlier that has come to
16 mind during the course of today?

17 MR. CHO: Object to the form.

18 THE WITNESS: It's a little
19 open-ended. I think I have given you my
20 answers to the best of my ability to recall.

21 BY MR. CHRISTIAN:

22 Q. And when I asked the question, I am

1 really referring to -- I believe there was a
2 name earlier you didn't remember the last name,
3 and so later on, it came to you.

4 Is there anything you have testified
5 to that you -- that it dawned on you later on,
6 something may have been left out that came to
7 you or something may have been not quite
8 accurate, you know, I am just giving you the
9 opportunity if anything such as that came
10 across your mind to express it now, so I take
11 it your answer is no to that question?

12 MR. CHO: Object to the form.

13 THE WITNESS: Nothing comes to mind.
14 I don't think so.

15 MR. CHRISTIAN: Okay. Thank you for
16 your time. I know this isn't the number one
17 thing people want to do, but I appreciate you
18 being here today.

19 MR. CHO: All right. Just for the
20 record, there were a number of objections
21 raised during the course of the deposition
22 today. The judge is available by phone to the

1 extent counsel believes that a ruling needs to
2 be made on any of these objections at this
3 time.

4 MR. CHRISTIAN: I don't believe so.

5 MR. CHO: Given that, we will read
6 and sign the transcript. All right. Thank
7 you.

8 THE VIDEOGRAPHER: The deposition is
9 concluded.

10 We are going off the record at 3:32.

11 (Whereupon, the proceeding was
12 concluded at 3:32 p.m.)

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1 DEPOSITION ERRATA SHEET

2 Our Assignment No. 450079

3 Case Caption: Saget

4 vs. Trump

5

6 DECLARATION UNDER PENALTY OF PERJURY

7 I declare under penalty of perjury that I have

8 read the entire transcript of my Deposition

9 taken in the captioned matter or the same has

10 been read to me, and the same is true and

11 accurate, save and except for changes and/or

12 corrections, if any, as indicated by me on the

13 DEPOSITION ERRATA SHEET hereof, with the

14 understanding that I offer these changes as if

15 still under oath.

16

17 Signed on the _____ day of _____,

18 2018.

19

20 _____
Robert Law

21

22

1 DEPOSITION ERRATA SHEET

2 Page No. _____ Line No. _____ Change to: _____

3 _____

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19 Reason for change: _____

20 _____

21 SIGNATURE: _____ DATE _____

22 Robert Law

1 CERTIFICATE OF NOTARY PUBLIC

2 I, Bonnie L. Russo, the officer before
3 whom the foregoing deposition was taken, do
4 hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly
6 sworn by me; that the testimony of said witness
7 was taken by me in shorthand and thereafter
8 reduced to computerized transcription under my
9 direction; that said deposition is a true
10 record of the testimony given by said witness;
11 that I am neither counsel for, related to, nor
12 employed by any of the parties to the action in
13 which this deposition was taken; and further,
14 that I am not a relative or employee of any
15 attorney or counsel employed by the parties
16 hereto, nor financially or otherwise interested
17 in the outcome of the action.

18 _____
19 Notary Public in and for
20 the District of Columbia

21

22 My Commission expires: June 30, 2020

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1 DEPOSITION ERRATA SHEET

2 Our Assignment No. 450079

3 Case Caption: Saget

4 vs. Trump

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6 DECLARATION UNDER PENALTY OF PERJURY

7 I declare under penalty of perjury that I have
8 read the entire transcript of my Deposition
9 taken in the captioned matter or the same has
10 been read to me, and the same is true and
11 accurate, save and except for changes and/or
12 corrections, if any, as indicated by me on the
13 DEPOSITION ERRATA SHEET hereof, with the
14 understanding that I offer these changes as if
15 still under oath.

16

17 Signed on the 3rd day of January,
18 2019.
2018.

19



20 Robert Law

21

22

DEPOSITION ERRATA SHEET

1

2 Page No. 17 Line No. 1 Change to: Sigma

3 P.

4 Reason for change: Typo

5 Page No. 47 Line No. 19 Change to: any

6 meetings

7 Reason for change: Typo

8 Page No. 50 Line No. 13-14 Change to: Jon

9 Feere

10 Reason for change: Misspelled name

11 Page No. 52 Line No. 19 Change to: Stephen

12 Miller

13 Reason for change: Misspelled name

14 Page No. 70 Line No. 13 Change to: advise

15

16 Reason for change: Typo

17 Page No. 104 Line No. 16 Change to: convey

18

19 Reason for change: Typo

20

21 SIGNATURE R. Law DATE: 1-3-2019

22

Robert Law

DEPOSITION ERRATA SHEET

Page No. 112 Line No. 5 Change to: Haitian

Reason for change: Typo

Page No. 143 Line No. 10 Change to: memo

or

Reason for change: Typo

Page No. 162 Line No. 3 Change to: in

some capacity

Reason for change: Typo / omitted word

Page No. 178 Line No. 15 Change to: Kathy's

Reason for change: Misspelled name

Page No. 201 Line No. 12 Change to: or

Reason for change: Typo

Page No. 236 Line No. 11 Change to: _____

conversations

Reason for change: Typo

20

SIGNATURE: R. Law DATE 1-3-2019

Robert Law